

L A W S

OF THE

REPUBLIC OF TEXAS

IN TWO VOLUMES.

PRINTED BY ORDER OF THE SECRETARY OF STATE.

VOLUME II.

HOUSTON.
1838

L A W S

OF THE

REPUBLIC OF TEXAS.

JOINT RESOLUTION

To suspend the operation of the Land Office until the further action of congress

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That so much of an act entitled "an act supplementary to an act establishing a general land office for the republic of Texas," passed 26th December, 1836, as provided for the opening of the land office on the first day of October, 1837, and for the appointment of officer under said law, be, and the same is hereby suspended until the further action of congress.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Sept. 30, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Making an appropriation to pay the public printers.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the secretary of the treasury be required to execute and deliver to Cruger &

Moore, the proprietors of the press engaged in printing for the government, a draft upon the collector of the port of Galveston, payable at sight, for the sum of one thousand dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Oct. 12, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Making appropriation of moneys for the use of the Hospital.

Be it resolved by the senate and house of representatives of the republic of Texas in Congress assembled, That the sum of one thousand dollars be, and the same is hereby appropriated out of any moneys in the Treasury or in the hands of the officers of the custom-houses, to be expended under the direction of the secretary of war, to provide for the comforts of the sick soldiers, who now are, or hereafter may be, in the hospital at this place.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Oct. 15, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Locating permanently the seat of Government.

Resolved by the senate and house of representatives of the republic of Texas, in Congress assembled, That there shall be elected by joint vote of both houses of congress, five commissioners (any three of whom shall constitute a quorum for the transaction of business) whose duty it shall be forthwith to proceed to select a site for the permanent location of the seat of government of this republic; and that they be required to

give public notice of their appointment, and receive such propositions for the sale of lands as may be made to them, not less than one, nor more than six leagues of land; and also examine such places as they may think proper on vacant lands; and that they be authorized to enter into conditional contracts for the purchase of such locations as they may think proper, subject to ratification or rejection by this congress, and that they be required to report to congress, by the 15th November, the different selections, with an accurate and full description of the same, to congress, and that in making the selections, they be confined to the section of country between the Trinity and Guadalupe rivers, and that they select no place over one hundred miles north of the upper San Antonio road, nor south of a direct line running from the Trinity to the Guadalupe river, crossing the Brassos at Fort Bend.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Oct. 19, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Authorizing Wm. G. Cooke to sign the name of the president to the promissory notes of the government.

Whereas, in consequence of the recent attack of sickness, and the consequent indisposition of his excellency the president of the republic, and the disabled situation of his excellency's right arm from a former wound, aggravated by his present sickness, he is now unable to attend to the laborious duty of signing the promissory notes of the government, authorized by the last session of congress, by an act passed the 9th of June, 1837, which being principally for small sums will amount to some thousands; and whereas, the necessary and pressing wants of the country require that the issue of such notes should immediately commence; therefore,

SEC. 1. Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That Wm. G.

Cooke be, and he is hereby authorized and empowered to sign the name of the president to the promissory notes of the government.

SEC. 2. Be it further resolved, that Wm. G. Cooke shall be entitled to five dollars per day for the time he is occupied in performing the duties above named, and that he proceed forthwith to sign said notes.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Oct. 23, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of W. S. Hendrick.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of one hundred and sixty-two dollars be allowed to W. S. Hendrick, for extra services rendered the first congress as door-keeper, and that this resolution be a sufficient voucher to the auditor of public accounts to allow and audit the same.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Oct. 25, 1837.

SAM. HOUSTON.

AN ACT

Regulating Elections.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the chief justice and associates in each county of the republic shall designate election precincts at the most suitable places for

holding elections in their several counties. And it shall be the duty of the chief justices of the counties to issue writs of election to the several precincts established, appointing a presiding officer in each to hold the election, stating specifically in the writs the officer or officers to be elected, and the day on which the election shall take place.

SEC. 2. Be it further enacted, That each presiding officer shall appoint three judges of the election and two clerks, who shall be sworn, before entering upon the duties of their offices, to conduct the election without partiality or prejudice, and agreeably to law: and in the event that the judges and clerks thus appointed shall fail to attend, or refuse to act, then it shall be lawful for the voters, at the house of opening the polls to appoint judges and clerks to supply such vacancies: and if there be no justice of the peace present, the presiding officer shall swear the other managers, and one of them shall administer the oath to him, which shall be as legal as if done by a judicial officer.

SEC. 3. Be it further enacted, That each of the clerks shall write the name of each voter at the time of his voting, making two lists of the names of the electors, one of which shall be delivered to the chief justice of the county, with the returns of the election, to be kept as a record, and the other to be retained by the presiding officer of the election.

SEC. 4. Be it further enacted, That the polls shall be kept open from nine o'clock to twelve in the forenoon, and from one to five in the afternoon, the presiding officer making proclamation at the door of the house at the time of opening and closing the polls.

SEC. 5. Be it further enacted, That immediately after closing the polls, the officers of the election shall proceed to count the votes and make out a complete return, which shall be sealed up and delivered to the chief justice of the county by the presiding officer or one of the judges of the election upon oath; a duplicate of which return shall be kept by the presiding officer.

SEC. 6. Be it further enacted, That the chief justice shall give at least ten days' notice (except in cases of vacancy, when immediate notices shall be given to the different precincts, upon the receipt of the president's proclamation for filling said vacancy,) of every election, by an advertisement published in a newspaper, if any be printed in the county: or if there be no paper published in the county, then by an advertisement in manu-

script, in each precinct, stating the names of the several presiding officers appointed in the county, the places of holding the election, the day on which the election will be held, and the officer or officers to be elected. The writs of election issued by the chief justice, shall require the presiding officer, or one of the judges or clerks of the election, to deliver the returns to him at the county seat, at some time specified therein, not exceeding ten days from the day of holding the election; and upon the receipt of the returns, the chief justice, in the presence of the returning officer, shall examine the several documents, and immediately execute and deliver to the person or persons having the greatest number of votes, a certificate of election.

SEC. 7. Be it further enacted, That no officer of an election shall examine any vote, or unfold any ticket presented by a voter.

SEC. 8. Be it further enacted, That when a man shall offer his vote, unless some officer of the election will vouch for his qualifications as an elector, he shall take oath that he is legally qualified according to the constitution and laws, to vote for members of Congress.

SEC. 9. Be it further enacted, That regular enlisted soldiers, and volunteers for during the war, shall not be eligible to vote for civil officers.

SEC. 10. And be it further enacted, That no person shall be permitted to contest any election unless within ten days after the return day. The person intending to contest, shall cause the person having a certificate of election to be notified thereof, and a statement in writing delivered to him, containing the grounds upon which he relies to sustain the contest, or in case the candidate elect can not be found, then the notice and statement to be left at his usual place of abode. No ex-parte statements or testimony shall be received as evidence in any contested election, without the consent of the opposite party.

SEC. 11. Be it further enacted, That this act shall take effect and be in force from and after its passage: provided, however, that nothing herein contained shall affect elections in depopulated counties. And be it further enacted, that if any person in this republic shall, after the passage of this act, vote for a member or members of congress more than one time in the same day, such person shall be liable to indictment, and upon conviction before any competent tribunal, shall forfeit and pay for every such offence not less than fifty, nor more than one hundred dollars; to go to the county treasury.

SEC. 12. Be it further enacted, That in senatorial districts, now or hereafter to be established, consisting of two or more counties, congress shall from time to time designate and determine the county whose chief justice shall issue the necessary certificate to the senator elect. And the chief justices of the other county or counties composing the senatorial district shall seal up and deliver the returns of the election, from the several precincts of their respective counties, for senator, duly authenticated, and hand them to the chief justice of the county so designated by congress within ten days after said returns are received by him or them; and that the county of Refugio, in the senatorial district composed of the counties of San Patricio, Refugio, and Goliad; the county of Mina, in the district composed of the counties of Mina and Gonzales; the county of Shelby, in the district composed of the counties of Shelby and Sabine; the county of Jackson, in the district composed of the counties of Matagorda, Jackson, and Victoria; the county of Austin, in the district composed of the counties of Austin and Colorado; the county of Jasper, in the district composed of the counties of Jasper and Jefferson; the county of Harrisburg, in the district composed of the counties of Harrisburg and Liberty; the county of Nacogdoches, in the district composed of the counties of Nacogdoches and Houston, shall be, and the same are hereby designated as the counties whose chief justices shall give the certificates to the senators elect from the respective districts, and receive the returns from the other counties in the aforesaid districts.

SEC. 13. Be it further enacted, That if at the time of any election for civil officers, a portion of the citizens of any county shall be absent from home, in the service of their country, they shall choose three managers from among themselves, who shall hold the election, under the same rules and regulations herein prescribed, who shall seal up the returns of said election, and send them to the chief justice of their respective counties, who shall receive the same.

SEC. 14. Be it further enacted, That in case of a tie between any two or more candidates for representatives in congress, the chief justice of the county in which such tie shall occur, shall decide between the candidates having the highest number of votes.

SEC. 15. Be it further enacted, That in case of a tie between any two or more candidates for senator to congress, if the county in which such tie shall occur be entitled to a senator, then and in that case, the chief justice of such county shall decide

the tie; but if the senatorial district in which a tie occurs, be composed of two or more counties, then the chief justice of the county authorized to give a certificate to the senator elect, shall decide the tie.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President of the senate pro tem.

Approved, October 26, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the chief justice of the county of Brazoria to issue writs of election.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the chief justice of the county of Brazoria is hereby authorized and required to issue writs of election, giving ten days notice, for an election to be held at all the precincts of said county, in order that it may be ascertained whether a majority of the people of said county desire a continuance of the seat of justice at the town of Brazoria, or its removal to the town of Columbia.

Resolved, that said election shall be held on the 20th of the ensuing November, and the returns be made as soon as practicable to the speaker of the house of representatives.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Oct. 31, 1837.

SAM. HOUSTON.

AN ACT

Authorizing an Appropriation for the Post Office.

Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of ten thousand dollars is hereby appropriated for the use of the post

office department, and that the post master general is hereby authorized to draw for the amount on the secretary of the treasury, out of any unappropriated monies in the treasury.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Nov. 4, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

To authorize the secretary of war to grant discharges.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That the secretary of war be and he is hereby authorized to grant discharges to all officers and soldiers who are now on furlough, for the time they have served; provided they will relinquish their claims to pay and bounty lands for that portion of the term for which they have enlisted, enrolled or commissioned, and have not yet served.

SEC. 2. And be it further enacted, That the provisions of the first section of this act remain in force for the term of sixty days from its passage.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Granting letters of Marque and Reprisal.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That they cordially concur in the immediate granting of Letters of Marque and Reprisal against the commerce and government of Mexico,

as promulgated in the proclamation of his excellency the President of this republic, under date of 15th September, 1837.

Resolved, That his excellency, the President of this republic, is hereby authorised and required to grant commissions to all applicants who offer sound and sufficient security that they will conduct themselves in strict accordance with the established laws of nations, and the special laws of this republic, on the subject of privateering; which said commissions shall not be revoked or annulled during the contest between Texas and Mexico, except by a decree of a court of Admiralty, founded on mal feasance in office, or other sufficient cause. Provided, however, That nothing herein contained shall prevent his excellency from suspending the cruising or naval operations of any privateer guilty, in his opinion of mal feasance, until a trial can be had before a court of competent jurisdiction.

Resolved, that the secretary of the navy cause these resolutions to be published for one month in the Texas Telegraph; also in some of the public journals of the United States of the North.

Resolved, That the government of Texas hereby relinquishes her right to the 10 per cent. usually paid by privateers, and will claim no more than two and a half per cent. for the purpose of defraying the expense of adjudication, &c.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

AN ACT

To incorporate the town of Shelbyville, and granting further powers to the corporations of San Augustine and Nacogdoches.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That all the qualified voters for members of congress, who may have resided within the town of San Augustine, six months preceding any election, for any officer of that corporation, or who may

own real estate in said town, shall be entitled to vote for any officer of said corporation, or to hold any office therein. And the said body corporate are hereby authorised and empowered to make any law or laws which they may deem necessary to be made and enacted for the benefit of the inhabitants of said corporation, not contrary to the laws and constitution of this republic.

SEC. 2. And be it further enacted, That the town of Shelbyville in the county of Shelby, be incorporated with the same powers and privileges, which are granted and conferred by an act to incorporate the town of Nacogdoches, and other towns therein named, passed the thirty-first day of May, one thousand eight hundred and thirty-seven, and on the town of San Augustine by this act.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

AN ACT

For augmenting the Navy, and making an appropriation therefor.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president, by and with the advice and consent of the senate, appoint an agent, when in his discretion he may think proper, whose duty it shall be to repair to some seaport of the United States of the north, for the purpose of buying or building, arming, and equipping, for the public service of Texas, one ship or brig, about five hundred tons burthen, to mount eighteen guns; two barques or brigs, about three hundred tons burthen, mounting twelve guns each; and three schooners, about one hundred and thirty tons burthen, mounting five or seven guns each: and that the said vessels be fitted and furnished with such artillery and armament as is best adapted to vessels of their class.

SEC. 2. Be it further enacted, That the sum of two hundred and eighty thousand dollars is hereby appropriated for the pur-

pose of buying or building, arming and equipping said vessels; and that the secretary of the treasury furnish said agent with a draft for the above appropriated sum of two hundred and eighty thousand dollars on Messrs. Gilmer & Burnley, the commissioners to negotiate a five million loan for this republic: and that the public faith is also solemnly pledged for its payment.

SEC. 3. Be it further enacted, That said agent be entitled to a compensation of three hundred and fifty dollars per month, and that he give bond and security for the faithful performance of his duty, in the sum of five thousand dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 4, 1837.

SAM. HOUSTON.

AN ACT

Regulating the proceedings before justices of the peace.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, all civil proceedings before justices of the peace, shall be had in a summary manner, and without the formality of a petition in writing; and it shall be sufficient, except in cases of attachment, sequestration, and other extraordinary measures, for the justice to insert within the body of the citation, or endorse on the back thereof, the nature of the cause of action.

SEC. 2. And be it further enacted, That, if any party, against whom judgment shall be rendered by any justice of the peace, shall fail to appeal from, or stay such judgment within three days from the rendition thereof, then it shall be lawful for execution to issue.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 4, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the Secretary of War to execute certain duties.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the secretary of war be required forthwith to proceed to execute the duties of his office as required of him by an act of congress, entitled "an act supplementary to an act to establish a general land office for the republic of Texas."

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Vetoed by the president, and passed by a constitutional majority of the house of representatives.

JOSEPH ROWE,

Speaker of the house of representatives.

Vetoed by the president, and passed by a constitutional majority of the senate.

S. H. EVERITT,

President pro tem. of the senate.

October 27, 1837.

AN ACT

To provide for auditing contingent expenses of both Houses of Congress, and making appropriation therefor.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts be, and he is hereby authorized to audit any accounts which may be authorized by a resolution of either house of congress, upon the complainant presenting a copy of said resolution, certified by the secretary or clerk of the house in which the resolution may have been adopted, and the certificate of the person authorized by said resolution to contract such debt or debts, that the account is correct and just, and to draw on the contingent fund of both houses of congress for the amount.

SEC. 2. Be it further enacted, That two thousand dollars be, and the same is hereby appropriated to defray the contingent expenses of both houses of congress.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Holland, Coffee and Co.

Resolved, by the senate and house of representatives of the republic of Texas in Congress assembled, That the sum of six hundred and ninety-one dollars be allowed to Holland, Coffee and Co., for moneys by them expended in purchasing Texian prisoners from the Indians, and that the same be paid in the promissory notes of the government.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President of the senate pro tem.

Approved, 1837.

SAM. HOUSTON.

AN ACT

To provide for the appointment of Notaries Public.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be a notary public for each of the ports of entry of this republic, to be appointed by the president, by and with the advice and consent of the senate, who shall hold his office for two years, unless sooner removed by the president, and shall receive the same fees as are now allowed by law to the several chief justices for the performance of notarial acts.

SEC. 2. Be it further enacted, That the several notaries public shall have a seal of office, and all certificates or other acts by by them performed, shall be signed by the said notaries, and the seal of office thereunto affixed.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, Nov. 16, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

To appoint a Committee on Printing.

Resolved, by the senate and house of representatives of the republic of Texas in Congress assembled, That a joint committee of two be appointed by each house of congress, to contract with some competent person or persons to print the laws of the consultation and the convention, together with all the laws which have been enacted since the declaration of independence, and also the journals of the special and regular session of congress, for the years 1836 and 1837; and the said committee are required to enquire what progress, if any, has been made in the above business, and report their proceedings to this Congress.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

AN ACT

To incorporate the town of Brazoria.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of the town of Brazoria, be, and they are hereby

declared a body politic and corporate by the name and title of "the Corporation of the town of Brazoria," and by that name may sue and be sued, implead and be impleaded, and may hold, and dispose of real and personal estate in said town.

SEC. 2. Be it further enacted, That all that tract of land, known as the old and new town of Brazoria, shall be the limits and boundaries of said town.

SEC. 3. Be it further enacted, That an election shall be held in said town on the first Monday in January of every year for a mayor, a constable and eight aldermen; the election shall be conducted by the mayor and two aldermen, and the persons so elected shall continue in office for one year or until their successors are qualified. The mayor so elected shall be commissioned by the chief justice of the county of Brazoria, and shall have all the powers of an ordinary justice of the peace, in all matters and cases arising under the criminal laws of the country, and shall be authorised and empowered, to enforce and carry into effect such bye-laws and ordinances as the corporation of said town shall from time to time ordain, for the better regulation of the police thereof.

SEC. 4. Be it further enacted, That no person shall be eligible to any of said offices or to vote, who is not a citizen and a freeholder or householder in said town.

SEC. 5. Be it further enacted, That the mayor shall be president of the board of aldermen, that a majority of the members of said board shall constitute a quorum for the transaction of business, and that said board may enact such bye-laws for the government of said town, not inconsistent with the law of the land, as may be deemed proper, and inflict such fines, not exceeding one hundred dollars, as may be considered necessary.

SEC. 6. Be it further enacted, That the board of aldermen shall have entire control over the streets of said town, may order new streets to be laid out, and old ones discontinued at their discretion: Provided, however, that no new street be opened nor old one discontinued, except by unanimous consent of the board; and the board in such acts shall be governed by the law of the land, relative to roads and highways.

SEC. 7. Be it further enacted, That all free males between the the ages of eighteen and forty five years, and all male slaves over sixteen and under sixty years of age, shall be liable to work on the streets; that such persons shall not be compelled to work more than ten days in any one year, and they shall be exempt from other road duty. The board shall impose such fines

on defaulters as they may think necessary, in which they shall be governed generally by the law of the land.

SEC. 8. Be it further enacted, That the board of aldermen shall have power to levy a tax on all persons and property, both real and personal in said town: Provided, however, that the tax on real property, shall not in any one year exceed twelve per cent. *ad valorem*, on such property, and no tax shall be levied on real estate unless by consent of two thirds of the aldermen present, and it shall be levied at the beginning of each year, and be assessed and collected by an officer to be appointed by the board in the same manner as the state tax is collected: and the board shall also have power to levy a tax on all taverns, tippling houses, and billiard tables in said town.

SEC. 9. Be it further enacted, That all the public property in said town, shall belong to said corporation, and the board of aldermen may dispose of it in such manner as the best interest of said town may require.

SEC. 10. Be it further enacted, That the board of aldermen shall have power to constitute and appoint such officers with the regulation of their compensation as may be considered necessary, and the officers so appointed may be removed at the pleasure of the board, and may be required to give bond with security to the mayor in such penalty as may be deemed requisite, and shall perform such duties as may be enjoined upon them, and shall be liable for such fines for neglect of duty as may be imposed on them.

SEC. 11. Be it further enacted, That all offences against the bye-laws be prosecuted before the mayor in a summary manner, and execution may issue returnable forthwith, and the constable shall execute all writs directed to him by the mayor.

SEC. 12. Be it further enacted, That if the office of alderman of said town shall become vacant by death, resignation or removal from the town, the board shall have power to appoint a successor; and should the office of mayor become vacant from either of the above mentioned causes or otherwise, the chief justice of the county of Brazoria be, and he is hereby authorised to issue forthwith a writ for a new election to be held on a day mentioned in said writ, and if the election required to be held on the first Monday in January of every year, shall not be held on that day, it may be holden at any time, by giving five days notice, and all elections for mayor and aldermen shall commence at ten o'clock A. M., and close at 2 P. M.

SEC. 13. Be it further enacted, That the constable shall

give bond and security as other constables, shall be commissioned in the same manner, shall have the same power, and be entitled to the same fees as other constables.

SEC. 14. Be it further enacted, That the board of aldermen shall make such compensation to the mayor, and allow him such fees as they may deem proper.

SEC. 15. Be it further enacted, That all laws heretofore passed relative to the town of Brazoria, shall be, and the same are hereby repealed, so far as relates to the town of Brazoria, and this act shall go into effect from and after its passage: Provided, however, that the mayor and aldermen, elected under the old charter which is hereby repealed, be, and continue in office and exercise all the powers granted by this act until the qualification of their successors, who may be elected at the first regular election under this act.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Nov. 16, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the auditor to audit the accounts of Nelson Jones.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts, is hereby authorised and required to audit the accounts of Nelson Jones, for three hundred and sixty-four dollars.

And further, That the said Nelson Jones, is entitled to twelve hundred and eighty acres of land as a bounty, for services as a soldier in this republic.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Nov. 16, 1837.

SAM. HOUSTON.

AN ACT

Appropriating money for the purchase of a house for the use of the President.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the sum of six thousand dollars be, and the same is hereby appropriated for the purchase of a house for the use of his excellency the president of thst republic, and that the treasurer of this republic is hereby required to pay six thousand dollars of the promissory notes of the government to F. R. Lubbock, upon his executing a title for his house, and the lot upon which it stands, on Main street.

SEC. 2. And be it further enacted, That the further sum of two thousand dollars is hereby appropriated for the purpose of completing and furnishing the house in a suitable manner to make it comfortable, to be drawn for from the treasury by drafts drawn by the president's private secretary in favor of the persons who may finish or furnish his house.

SEC. 3. And be it further enacted, That so much of an act locating temporarily the seat of government, as appropriated fifteen thousand dollars for the erection of public buildings, be, and the same is hereby repealed.

JOSEPH ROWE,

President of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

AN ACT

To incorporate the city of Richmond, and the towns of San Felipe de Austin and Lagrange.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of the city of Richmond, be and they are hereby declared a body politic and corporate, by the name and style of "the corporation of the city of Richmond," and by that name

may sue and be sued, implead and be impleaded, and may hold and dispose of real, personal and mixed estate in said city.

SEC. 2. Be it further enacted, That all that tract of country known as the city of Richmond shall be known as the limits and boundaries of said city.

SEC. 3. Be it further enacted, That the chief justice of the county shall order an election to be held in said city, under the superintendence of some justice of the peace, on the first Monday of January next, for a mayor, a constable and eight aldermen: and an election shall be held on the first Monday in January of every year thereafter for the aforesaid officers, which election shall be conducted by the mayor or two aldermen, and the persons so elected shall continue in office for one year, or until their successors are qualified; the mayor so elected shall be commissioned by the chief justice of the county of Fort Bend, and shall have all the powers of an ordinary justice of the peace in all matters and cases arising under the criminal laws of the country, and shall be authorized and empowered to enforce and carry into effect any bye-laws and ordinances, the corporation from time to time shall ordain for the better regulation of the police thereof.

SEC. 4. Be it further enacted, That no person shall be eligible to any of said offices or to vote, who is not a citizen and freeholder or householder in said city.

SEC. 5. Be it further enacted, That the mayor shall be president of the board of aldermen, that a majority of said board shall constitute a quorum for the transaction of business, and that said board may enact such bye-laws for the government of said city, not inconsistent with the laws of the land, as may be deemed proper, and inflict such fines not exceeding one hundred dollars, as may be considered necessary.

SEC. 6. Be it further enacted, That the board of aldermen shall have entire control over the streets of said city, and may order new ones to be laid off, and old ones to be discontinued at their discretion; Provided however, that no new streets be opened on old ones discontinued except by unanimous consent of the board, and the board in such acts shall be governed by the laws of the land relating to roads and highways.

SEC. 7. Be it further enacted, That the board of aldermen shall have power to levy a tax on all persons, property, real and personal in said city; Provided, that the tax on real property shall not in any one year exceed ten per cent. ad valorem on such property, and no tax shall be levied on real estate, un-

less by consent of two thirds of the aldermen present, and it shall be levied at the beginning of each year, and be assessed and collected by an officer appointed by the board, in the same manner as the state tax is collected, and the board shall also have power to levy a tax on all taverns, tippling houses and billiard tables in said city.

SEC. 8. Be it further enacted, That all the public property in said city shall belong to said corporation, and the board of aldermen may dispose of it in such manner as the best interest of the city may require.

SEC. 9. Be it further enacted, That the board of aldermen shall have power to constitute and appoint such officers with the regulation of their compensation as may be considered necessary, and the officers so appointed may be removed at the pleasure of the board, and may be required to give bond with security to the mayor in such penalty, as may be deemed requisite, and shall perform such duties as may be enjoined upon them, and shall be liable to such fines for neglect of duty as may be imposed on them.

SEC. 10. Be it further enacted, That all offences against the bye-laws be prosecuted before the mayor in a summary manner, and execution may issue returnable forthwith, and the constable shall execute all writs directed to him by the mayor.

SEC. 11. Be it further enacted, That if the office of aldermen of said city shall become vacant by death, resignation or removal from said city, the board shall have power to appoint a successor, and should the office of mayor become vacant from either of the above mentioned causes, or otherwise, the chief justice of the county is hereby authorized to issue a writ for a new election, to be held on a day mentioned in said writ, and if the election required to be held on the first Monday in January of each year, shall not be held on that day it may be held at any time, by giving five days notice, and all elections for mayor or aldermen shall commence at ten o'clock A. M. and close at two P. M.

SEC. 12. Be it further enacted, That the constable shall give bond and security as other constables, shall be commissioned in the same manner, shall have the same power, and shall have the same fees as the other constables.

SEC. 13. Be it further enacted, That the board of aldermen shall make such compensation to the mayor, and allow him such fees as they may deem proper.

SEC. 14. Be it further enacted, That the town of San Fe-

lipe de Austin shall be organized in the same manner as the city of Richmond, and be governed by the provisions of this act.

SEC. 15. Be it further enacted, That the town of La Grange, in the county of Red River, is hereby incorporated with all the powers and privileges of the cities of Richmond and San Felipe de Austin.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Ellen O'Donnovan.

Resolved, By the senate and house of representatives of the republic of Texas, in congress assembled, That Ellen O'Donnovan, be, and she is hereby authorized to take possession of a stock of goods belonging to the estate of her decease husband, upon her giving bond for the duties thereon, for the sum of two hundred and fifty dollars.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

AN ACT

Fixing the Salary of Indian Commissioners.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of five dollars per day be allowed to all Indian Commissioners, appointed by the president, according to law, while in actual service,

going to, and returning from, any place to hold or attempt to hold a treaty.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 1, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Manuel Carabajal.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, that the president of the republic be, and he is hereby authorized to pay to Manuel Carabajal, a sum not exceeding twelve hundred dollars as a compensation for compiling the laws of Coahuila and Texas, upon his delivery to the secretary of state a copy of the aforesaid laws, and that the president be authorized to draw upon the secretary of the treasury for such sum.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 1, 1837.

SAM. HOUSTON.

AN ACT

Amendatory to the several acts and ordinances granting Bounty Lands.

Whereas, much difficulty exists in reconciling the various conflicting laws granting bounty lands to the soldiers and officers who have served in the army, and the allowance does not bear an equal proportion in many cases to the services rendered, for remedy whereof,

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the laws in existence granting bounty lands to those who have served in the army be so amended as to grant to all who have served three months in the army, three hundred and twenty acres of land; to all who have served for six months, six hundred and forty acres; to all who have served for nine months, nine hundred and sixty acres, and to all who have served twelve months or upwards, twelve hundred and eighty acres.

SEC. 2. Be it further enacted, That in all cases where warrants for bounty lands have been issued by the secretary of war, for less amounts of land than that specified in the first section of this act, it shall be his duty to issue warrants for the additional quantities allowed by this act.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 4, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

Allowing the Secretary of War an additional Clerk.

Resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the secretary of war, be, and is hereby authorized to employ an additional clerk more than he has now in his office for the term of six months, who shall receive the same pay as the other assistant clerk of his office receives.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 4, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of John Buchanan.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the sum of one hundred and sixty dollars shall be, and the same is hereby required to be paid out of any moneys in the treasury not otherwise appropriated, to John Buchanan, for his services as secretary rendered the government, ad interim; and the auditor is hereby required to allow the said claim, of the said John Buchanan, and give a draft therefor, whenever the same may be presented for the amount mentioned in this resolution.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 9, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of John M. Clifton.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, that the first auditor be instructed to audit the accounts of J. M. Clifton, for fourteen hundred and thirty-four dollars, thirty-nine cents for his expenses in enlisting and mustering into the service of Texas ninety-seven men in the spring of eighteen hundred and thirty-seven.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 9, 1837.

SAM. HOUSTON.

AN ACT

For the relief of Edmund P. Crosby.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be and he is hereby instructed to audit the amount of Edmund P. Crosby's account, say three hundred and fifty-one dollars and twenty-five cents, in duplicate, (as the original certificate has been lost,) for services in the navy, upon the said Crosby proving to the satisfaction of the auditor, that the original has been lost, and that the account is just.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR

President of the senate.

Approved, Dec. 9, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

Making appropriations for the General Land Office, and to defray the contingent expenses of both houses of congress.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of five hundred dollars, be and the same is hereby appropriated for the purpose of procuring stationery for the general land office, and paying the contingent expenses of the same, and the treasurer is hereby authorized and required to issue promissory notes for that amount to the commissioner of the general land office.

SEC. 2. Be it further enacted, That the sum of five hundred dollars, be, and the same is hereby appropriated for the purchasing of stationery for the use of both houses of congress, and that the treasurer is hereby authorized and required to pay over to the respective clerk and secretary the above sum, and that the clerk and secretary be required to produce the vouchers shewing what disposition they may have made of the above sum

at the next meeting of congress, and all individuals holding claims coming within the pervue of this bill, present their accounts to the committee on contingent expenses.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of John Woodruff.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, that the treasurer be instructed to pay to John Woodruff, the sum of one hundred and twenty-three dollars and twenty-six cents out of the promissory notes.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To incorporate the Colorado Navigation Company.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That there shall be established a company under the name and style of the "Colorado Navigation Company," with a capital stock of one hundred and twenty-five thousand dollars, with the privilege of enlarging or increasing the same to two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of clearing out a channel susceptible of navigation by steam boats or other craft for the Colorado river.

SEC. 2. Be it further enacted, That books shall be opened on the first day of February next, to receive subscriptions for said capitol stock at the following places, to wit:—At the town of Matagorda, at the house of E. Mercer, in Colorado county, at the towns of Columbus, La Grange and Mina, under the superintendence of three commissioners at each place, to wit: at the town of Matagorda J. T. Belknap, A. L. Clements and S. Mussiana; house of E. Mercer, Thomas Rabb, E. Mercer and William Heard; town of Columbus, J. W. E. Wallace, Robert Brotherton and Stephen Townsend; town of La Grange, J. H. Moore, N. W. Eastland and Andrew Rabb; town of Mina, John G. McGehee, Richard Vaughn and Russel Craft; and shall continue open twenty days, and the said commissioners shall immediately thereafter transmit to the commissioners at Matagorda an account of the subscriptions taken at each place, and the said commissioners at Matagorda shall immediately on the receipt of the subscriptions, take an account of the whole subscriptions taken, and if more than one hundred and twenty-five thousand dollars shall have been subscribed for, the said commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner that no subscription shall be reduced in amount whilst any remain larger, and in case of such deductions the said commissioners shall cause lists of such apportioned subscriptions to be made out, that the subscribers may thereby ascertain the number of shares apportioned to them respectively, and that in case a less amount than one hundred and twenty-five thousand dollars, shall have been subscribed for, the books may again be opened by and under the superintendence of the commissioners at the town of Matagorda, should they deem it advisable to do so, and be re-opened at such time and places as may be determined upon by said commissioners.

SEC. 3. Be it further enacted, That five per cent. of the capital stock shall be paid at the times of subscribing, the balance to be paid at such time as the directors may call for the same, by giving at least thirty days notice in some one newspaper; provided, that there shall not be an amount exceeding twenty-five dollars on a share called for at any one time; and provided further, that in case of failure of payment being made as aforesaid, the directors shall have the right to forfeit to the use of said company the amount paid on such stock.

SEC. 4. Be it further enacted, That the subscribers to said company, their successors and assigns shall be, and are hereby

created a corporation under the name and style of "The Colorado Navigation Company," and under that name shall be capable to contract, to buy, and receive all kinds of property, moveable and immoveable that may be necessary for said corporation, and to negotiate, grant, sell and dispose of the same, to borrow money on the faith of this charter, and also to pledge such property real and personal for the payment of the same, as in their opinion may best conduce to the interest of said company. To sue and be sued, to have a common seal and to establish such ordinances, rules and regulations as they may think necessary and practicable for the use and protection of the same, not contrary to the constitution and laws of the republic of Texas; provided, however, that this section shall not be so construed as to enable the company to hold more land than may be necessary to carry into effect the objects of this act; and provided further, that none of the funds of said corporation shall be used in purchasing lands, and all lands owned by the corporation shall be sold within five years from and after the passage of this act.

SEC. 5. Be it further enacted, That for the management of said company there shall be five directors annually elected, at the office of said company at the town of Matagorda, by the qualified stockholders of the capital stock of said company, by a plurality of votes then and there given: each share shall be entitled to one vote, and votes allowed by proxy.

SEC. 6. Be it further enacted, That it shall be the duty of the commissioners at the town of Matagorda, after one hundred and twenty-five thousand dollars of stock shall have been subscribed for, to advertise in some newspaper, that an election will take place at the office of said company at the town of Matagorda for the aforesaid directors, appointing the day for said election, which shall not take place at a shorter period than thirty days from the date of said advertisement.

SEC. 7. Be it further enacted, That the directors so elected shall elect a president from their own body, and said president and directors shall serve as such until their successors shall be duly elected and qualified.

SEC. 8. Be it further enacted, That the annual election for directors after the first election, shall be held on the first Monday in January in each year, and at their first meeting after their election, they shall proceed to elect from their own body a president, to hold his office for the same period as which the directors were elected; provided, always that in case at any

time it should so happen, that an election of directors or of president of said company should not be so made, as to take effect in the way required by this act, the said company shall not from that cause be deemed to be dissolved, but it shall be lawful at any other time to hold said election, and the manner of holding the same shall be regulated by the rules and ordinances of this company, and until said election be made the directors and president of the said company for the time being shall continue in office; and provided, also that in case of death, resignation, absence from the republic, non-acceptance or removal, the vacancies shall be supplied by the board of directors.

SEC. 9. Be it further enacted, That no one shall be eligible to the office of director; who is not the bona fide owner of five shares of the capital stock, of said company, and shall have held the same at least one month previous to their election.

SEC. 10. And be it further enacted, That the corporation is hereby invested with all the rights and powers necessary for the accomplishment of the objects for which they are incorporated.

SEC. 11. Be it further enacted, That said company shall commence opening the channel of said river and improving the navigation thereof within nine months, and complete the same sufficient for the passage of steam boats or other crafts, at least fifty miles up the said river, from the town of Matagorda, within four years from the passage of this act, and in case of non-compliance with this section, this charter shall be deemed forfeited; provided, however, that if an invasion of the country prevents said company from progressing with the work, that so much time as may be lost by reason of said invasion shall be added to the time specified in this section for the commencement and completion of the same.

SEC. 12. Be it further enacted, That after the said company shall have finished said work as required in section eleven, that is, rendered the Colorado river susceptible of navigation fifty miles above the town of Matagorda, the company shall have the power to levy, receive and collect such tolls upon all steam boats or other craft, and upon all freight carried up or down said river, as may be determined upon by said company; provided, that no part of the capital of said company shall be employed for any other purpose or project, except for the removal of obstructions in the river and the navigation of the same, and for an attempt at such project the charter shall be forfeited;

and provided also, that the charges or tolls shall be upon terms of equality to all persons who may wish to navigate the river.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Creating the county of Montgomery.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That all that part of the county of Washington, lying east of the Brazos, and southeast Navisota rivers, shall constitute and form a new county to be known and designated by the name of Montgomery county.

SEC. 2. Be it further enacted, That the said county of Montgomery shall be included in the third judicial district, and the district courts thereof shall be holden at the county seat of said county, on the fourth Mondays of April and October in each and every year, and the county courts for said county shall commence and be holden on the second Mondays of February, May, August and November, in each year.

SEC. 3. Be it further enacted, That James Mitchell, Pleasant Gray, William Robinson, Elijah Collard, Charles Garnett, Joseph L. Bennet, B. B. Goodrich, D. D. Dunham, and Henry Fanthorpe, be, and they are hereby appointed commissioners, with power and authority (any five of them concurring) to select a proper place for the seat of justice for said county, and to obtain by purchase upon the faith and credit of the county, or receive by donation such quantity of land as will be sufficient for the erection of public buildings, and for defraying such other necessary expenses of said county as said commissioners may deem expedient and that the land so purchased or donated shall be under the superintendence and control of the board of commissioners of said county.

SEC. 4. Be it further enacted, That the said county of Montgomery, shall be entitled to one representative in congress,

and that the counties of Washington and Montgomery shall constitute a senatorial district.

SEC. 5. Be it further enacted, That the said county of Montgomery shall be organized in conformity with the several acts organizing the district and inferior courts, and in case any suit or suits are now pending in any of the courts of Washington county, wherein the defendant or defendants were residing in that part of Washington county lying east of the Brazos and Navasoto rivers, at the commencement of said suit or suits, it shall be lawful on application of the defendant or defendants in open court, for the court of Washington county to grant a removal of said suit or suits to the proper court of Montgomery county, and it shall be the duty of the clerk to furnish either party a copy of the records in such suit or suits.

SEC. 6. Be it further enacted, That the lower line of the county of Montgomery shall commence at the mouth of Lake creek, thence in a direct line to the head of Pond creek, and thence in a direct line to the mouth of Beeson's creek, thence up the Brazos river to the mouth of the Navasoto river.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Regulating the time of holding District Courts of Brazoria, Matagorda and Jackson counties.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the district courts in and for the county of Brazoria, shall hereafter be allowed to continue their regular sessions for the period of three weeks and no longer.

SEC. 2. And be it further enacted, That the district courts, in and for the county of Matagorda, shall hereafter commence on the third Mondays after the fourth Mondays in March and September, and continue in session one week and no longer, and

in the county of Jackson, on the fourth Mondays after the fourth Mondays in March and September, and continue one week and no longer.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of S. Hatch.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That it shall be the duty of the auditor of public accounts to allow Sylvenus Hatch the amount of five hundred and sixty-two dollars and fifty cents, for iron furnished the army, which doth appear from a certificate of the person that received the same, and countersigned by P. Caldwell, quarter master, which was referred to the committee on claims and accounts of the house of representatives, and by them mislaid or lost.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To establish the county of Fayette.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the territory embraced within the following boundaries, shall

constitute one of the counties of this republic, and be called the county of Fayette: beginning at Grassmeyer's ferry on the Colorado, thence in a north easterly direction at right angles with the general course of the river Colorado, to the divide between the waters of Colorado and the Brazos; thence down said divide, in a southeasterly direction to the southwest corner of a league of land granted to Wm. Burnett; thence southwestwardly crossing Colorado river, where the upper line of a league of land granted to J. Duty, corners upon the same; thence continuing the same course to the Lavacca, at the upper corner of the league of land granted to William Ponton; thence up the Lavacca with the line between Austin and Dewitt's colony to the head of said stream; thence in a north-easterly direction to the place of beginning, so as to leave Grassmeyer's in the county of Mina.

SEC. 2. Be it further enacted, That the seat of justice for said county shall be, and is hereby established at the town of La Grange, on the east side of the Colorado river, near the La Bahia crossing of the same.

SEC. 3. Be it further enacted, That immediately after the passage of this act there shall be a chief justice appointed for said county, who shall proceed to organize the same, in accordance with the laws, in such cases made and provided.

SEC. 4. Be it further enacted, That the county court for said county shall be held on the third Mondays in February, May, August and November; and the district courts shall be held on the third Mondays after the fourth Mondays in March and September in each year, and shall continue in session until all the business before said courts shall be finished.

SEC. 5. Be it further enacted, That the county of Fayette be attached to, and form a part of the third judicial district.

SEC. 6. Be it further enacted, That the county of Fayette be entitled to one representative, and be attached to the senatorial district of Mina and Gonzales.

SEC. 7. Be it further enacted, That the returns of the election for senator shall be made to the chief justice of the county of Mina, who shall issue the corresponding certificate to the person elected.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Incorporating the city of San Antonio and other towns therein named.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of San Antonio in the county of Bexar, be, and they are hereby declared a body politic and corporate, by the name and title of the city of San Antonio, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said city.

SEC. 2. Be it further enacted, That the bounds and limits of said city, and within which the said corporation shall exercise lawful jurisdiction, shall include and comprehend all that tract of land originally granted to and composing said city, with its precincts.

SEC. 3. Be it further enacted, That the qualified voters of said city shall elect members to form a city council, consisting of one mayor, or president, and eight aldermen, and also a treasurer and a collector; the mayor and aldermen shall appoint one or more constables as may be necessary, and shall regulate their salary or fees, and also a clerk or secretary, who shall possess a competent knowledge of the Castilian and English languages, and whose salary and fees shall likewise be fixed by said council, shall give good and sufficient security to be approved by the chief justice of the county, for the faithful discharge of their duties and of the trusts reposed in them; the amount of their bonds if forfeited to be paid into the city treasury.

SEC. 4. Be it further enacted, That the first election under this act, shall take place on the first Monday in March, one thousand eight hundred and thirty-eight, and every following year on the first Monday in January, and public notice thereof, shall be given at least eight days preceeding said election, in the first instance by the chief justice of the county, or during his absence or indisposition by one of the associate justices, under whose direction the first election shall be held, and ever afterwards under that of the mayor and two aldermen, who with the remainder of the council, shall exercise the functions of their office until their successors are duly sworn in: each member of said council and all officers appointed by it, shall take an oath of office in the accustomed form.

SEC. 5. Be it further enacted, That no person shall be a member of said council nor be entitled to vote for any member thereof, who is not either a householder or owner of real estate within the boundaries of said corporation, and who has not resided therein at least six months previous to an election, and paid up his city taxes.

SEC. 6. Be it further enacted, That the mayor as president with a majority of the council, shall constitute a quorum for the transaction of business; they shall have power to enact and enforce such ordinances and regulations as they may deem necessary for the better government of their city and its precincts; Provided, the same shall not conflict with the constitution and laws of the republic; they shall also form bye-laws to regulate their own proceedings, and shall have entire control in all that relates to the police of the city, such as paving and cleaning the streets, regulating the markets, removing nuisances, and procuring for the city a supply of wholesome water; for these and such like purposes they are authorised to levy equitable and moderate taxes, on all fixed and moveable property within their jurisdiction, and recover the amount of the same by the most summary process: the poorest class of citizens who may be exempt from direct taxation, shall be obliged to contribute by their manual labor towards all works of public utility, the quantity of said labor to be equally apportioned and received in lieu of pecuniary contribution or vice versa. The council is authorized to inflict moderate fines for infractions or disobedience of its ordinances, and recover the same by summary proceedings; Provided, that in all cases, either of unequal taxation, undue demand for labor or excessive fines, the parties aggrieved shall have the right to appeal to the county court.

SEC. 7. Be it further enacted, That the said council are also authorized to grant licenses to persons retailing spirituous liquors, to keepers of billiard tables and others; Provided, that no gaming establishment, nor any other contrary to law shall be sanctioned or covered by such licenses.

SEC. 8. Be it further enacted, That the said council in conjunction with the justices of the county courts are hereby empowered and authorised to sell and alienate such public lots or parcels of land as may lie within their jurisdiction, and to which there is no legal claimant or title, and also to dispose of such houses or other buildings as may have formerly been the property of the corporation of said city, and the council may sue for and recover all debts, forfeitures, &c. accruing or due to

the said corporation, the proceeds of such sales to be appropriated to the erection or repairs of a court house, jail and other such public edifices as may be deemed most fit, and to the erection and endowment of a public school.

SEC. 9. Be it further enacted, That the mayor and aldermen of said council shall be commissioned by the chief justice of the county to act as justices of the peace, exercising the same powers and entitled to the same fees as other magistrates of the same class.

SEC. 10. Be it further enacted, That it shall be the special duty of said council to promote by every equitable means, the establishment of a common schools, male and female within the limits of the corporation in which the English language shall be taught, and the children of the poor class of citizens invited and received gratis.

SEC. 11. Be it further enacted, That the town of Victoria be, and the same is hereby incorporated, and shall have the same power and be governed by the same rules and regulations as are enacted in the act of incorporation and government of the city of San Antonio, with the exception of having but five aldermen instead of eight.

SEC. 12. Be it further enacted, That the town of Gonzales be, and the same is hereby incorporated, and shall have the same power and be governed by the same rules, that are enacted for the incorporation and government of the city of San Antonio.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To create a board of Medical Censors for the republic of Texas.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be elected by joint vote of both houses of congress, one physician of each and every senatorial district in this re-

public, who shall be a resident citizen of the same at the time of his election, which men when so elected shall form a board of medical censors for the republic, and may continue in office during good behaviour, whose duty it shall be to grant license to practice medicine and surgery in this republic.

SEC. 2. And be it further enacted, That the said board of medical censors shall meet annually at the seat of government on the second Monday of November, then and there to transact the several duties herein required of them, and the said board shall at their first meeting, elect from their own body a president and a secretary, who shall hold their office for a term of one year or until their successor shall be duly qualified.

SEC. 3. And be it further enacted, That it shall be the duty of said board of censors at their first meeting to adopt rules and regulations for their government and to establish the method of taking evidences of qualification, and granting licenses to applicants therefor, to practice medicine and surgery any where in this republic upon satisfactory evidence of qualification being produced to the board in such manner as the said board may hereafter adopt: giving due weight to usual credentials, reputation established by experience, and the test of examination under the direction of said board.

SEC. 4. And be it further enacted, That one third of said board shall form a quorum to transact business, shall have power to fill vacancies, and by a vote of two thirds of the members present may expel a member.

SEC. 5. And be it further enacted, That all licenses to practice medicine and surgery, or either, shall be signed by the president of the board, and countersigned by the secretary thereof except the temporary licenses: and for such licenses the applicant shall pay the sum of twenty dollars, and any charge for medical services shall not be recoverable in any court of law or equity in this republic, after the first day of June next, unless the person rendering such services were furnished at the time with a license in manner as herein prescribed for and required.

SEC. 6. And be it further enacted, That to prevent delay and inconvenience a single member of the board of medical censors may grant temporary licenses to applicants therefor, and make report thereof to the next meeting of the said board for confirmation, or further evidence of qualification to be given by the applicant; Provided, that a temporary license shall not continue in force longer than one month after the next meeting of

the board, and that a temporary license shall in no instance be granted by a censor after the applicant has been refused a license by said board of censors, and the applicants shall not be charged any pay for said temporary license.

SEC. 7. And be it further enacted, That no person shall be appointed, or hold a commission in the army or navy for any office in the medical staff of the army of this republic any time after the first of June next, unless he be furnished with a license to practice medicine and surgery as herein provided.

SEC. 8. And be it further enacted, That said board shall enter on a book to be kept by them for that purpose the names of each and every person they shall license to practice medicine or surgery, and the time of granting the same, together with the names of the board present, and shall publish the same in some newspaper at the seat of government within thirty days thereafter.

SEC. 9. And be it further enacted, That all moneys which may be paid for licenses to the said board of censors shall be the property of the same, and may be used by them in any manner they may think proper.

SEC. 10. And be it further enacted, That it shall be the duty of the president of the republic, so soon as the board of medical censors herein created shall be elected, to notify them thereof and commission them, as well as such others as may be duly made agreeably to the act, upon being notified thereof by the president of said board of medical censors.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

To Compensate the Commissioners appointed to select a site for the seat of Government.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That each of the commissioners appointed to receive propositions to locate the seat of

government, examine sites &c. &c., be authorized to receive five dollars per day while in employment in the discharge of that duty, and that the certificate of the speaker of the house of representatives be a sufficient voucher for the same, and the auditor is hereby required and instructed to audit and allow such claims on the presentation of such certificate of the speaker of the house of representatives, to be paid in civil list.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the county of Gonzales.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the boundaries of the county of Gonzales be, and the same are hereby established in the manner following, viz: beginning on the west bank of the Labacca river, at the lower corner of a tract of land deeded to Andrew Kent, thence on a direct line to the crossing of the La Bahia road, on the Guadalupe river, thence continuing the same direction the distance of fifteen miles from said river to a point for the south west corner, thence on a direct line to the crossing of the road leading from Gonzales to San Antonio, on the western branch of the Sandies; thence continuing the same direction to the upper San Antonio road, thence with said road to the north east corner of Dewitt's colony, thence with the line of said colony to the place of beginning.

JOSEHH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To provide for the punishment of Crimes and Misdemeanors committed by slaves and free persons of color.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, the following shall be considered as capital offences when committed by a slave or free person of color, to wit: Insurrection or any attempt to excite it, poisoning or attempting to poison, committing a rape or attempting it on any free white female, assaulting a free white person, with intent to kill, or with a weapon likely to produce death, or maiming a free white person, arson, murder, burglary, every and each of which offences shall be triable in the district courts and upon conviction shall be punished with death.

SEC. 2. Be it further enacted, That it shall not be lawful for any free person of color, to inveigle or entice away from their owner or master, any slave or slaves, nor to aid or assist any slave or slaves in leaving this republic, without the consent of the owner of such slave or slaves: nor shall it be lawful for any free person of color to conceal or render aid or assistance to any runaway slave, with the intent to prevent the return of such runaway to his or her owner, and upon conviction of any of the foregoing offenses before the district courts, such free person of color shall be fined in a sum equal to the value of such slave or slaves, and on failure to pay the said fine shall be sold as a slave for life.

SEC. 3. Be it further enacted, That all other crimes and misdemeanors, known to the common law of England, committed by slaves, shall be triable before the county courts, and on conviction shall be punishable at the discretion of said court, so as not to extend to life or limb.

SEC. 4. Be it further enacted, That upon complaint made upon oath to any member of the county court, of any offence not capital having been committed by any slave, it shall be the duty of said court forthwith to call a special term of said court for the trial of such slave, and when any such special term may be called, it shall be the duty of the county court in conjunction with the sheriff to draw fifteen jurors, in the usual way to attend such term, and if any of them should fail to attend, or from challenges the number of twelve should not be had, it shall be made up from the bystanders.

SEC. 5. Be it further enacted, That it shall not be necessary in such cases, that a bill be found by a grand jury, but the party shall be required to proceed to trial upon a charge made out and signed by the person lodging the information setting forth the offence with which such slave stands charged.

SEC. 6. Be it further enacted, That if any slave or free person of color shall use insulting or abusive language to, or threaten any free white person, upon complaint thereof before any justice of the peace, such justice shall cause such negro to be arrested, and upon conviction, the slave or free person of color, shall be punished by stripes not exceeding one hundred nor less than twenty-five.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Concerning the public Archives.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That it shall be the duty of every person or persons, who may have in his or their possession or control any titles or documents whatever, which relate to lands, and which by the laws now or hereafter existing in Texas, have been and are considered "Archives," to deliver the same to the commissioner of the general land office, on his order, within sixty days after the final passage of this act.

SEC. 2. And be it further enacted, That any and all persons comprehended within the meaning and provisions of the first section of this act, who shall fail or refuse to comply with the duties herein required, shall be taken and considered as guilty of a high misdemeanor, and shall upon conviction thereof, before the district court, be fined not less than one thousand dollars, nor more than five thousand dollars at the discretion of the court, and in default of payment, shall be committed until said

fine is paid, and the person so offending in addition to the aforesaid fine, shall forfeit all land he may own in this republic and be forever incapable of acquiring any, and shall neither vote nor be eligible to any office civil or military under this government.

SEC. 3. And be it further enacted, That at the end of the sixty days from and after the final passage of this act, or at any time thereafter upon information being given, it shall be the duty of the commissioner of the general land office to notify the district attorney of all those who may have offended against its provisions, and it shall be the duty of the district attorney of the proper district to commence and institute prosecutions against all persons so offending in the premises, and they shall be held in close custody, without bail or mainprize until the archives which may be in their control or possession are delivered over to the proper officers, and his receipt obtained therefor.

SEC. 4. And be it further enacted, That it shall be the duty of all grand jurors and civil officers of this republic to be aiding and assisting in carrying into effect the provisions of this act and to give information of all violations of the same which may come to the knowledge of any or either of them.

SEC. 5. And be it further enacted, That it shall be the duty of the secretary of state, forthwith after the final passage of this act, to have it published in the Texas Telegraph and transmit copies thereof to the chief justices of the several counties of this republic.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Authorizing the Treasurer of the Republic to issue Change Notes.

SEC. 1. Be it resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the treasurer of the republic is hereby authorized to issue change

notes of the several denominations of one, two, and three dollars to an amount not exceeding ten thousand dollars, signed by his chief clerk, redeemable by himself on presentation in the promissory notes of the government, authorized by an act passed June 9, 1837.

SEC. 2. Be it further resolved, That the said treasurer shall be required to reserve, in the treasury at all times, an amount of promissory notes equal to the issue of said change notes, for the redemption.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To clear out the rivers Attoyac, Angelina and Neches.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That for the purpose of clearing out and improving the navigation of the rivers Attoyac, Angelina and Neches, the county courts of the several counties contiguous to and adjoining the said rivers, are hereby authorized and directed to appoint three commissioners from each of said counties, whose duty it shall be to examine said streams, and to make a minute of the expenses necessary to open the same, to remove all the obstructions to the navigation thereof, and to report the same to the county courts of their respective counties, as early as may be practicable.

SEC. 2. Be it further enacted, That it shall be the duty of each of the said county courts on the receipt of the report of the commissioners to make an estimate and valuation of the lands bordering on the said rivers, and that they be authorized to assess and collect from the proprietors of such lands a tax not to exceed two cents per acre, which tax shall be collected in the same manner, and under the same penalties as are prescribed for the collection of the general tax on lands.

SEC. 3. Be it further enacted, That it shall be the duty of the several commissioners to be appointed by the county courts afore-

said, to examine each of the said rivers, and report to the highest point on the same, that it may be practicable to render them navigable by steam boats of the smallest class, it being the intention of this law to render the said water courses as extensively beneficial as possible, and the county courts shall endeavor to remove the obstructions to the navigation of said rivers as far as may be practicable.

SEC. 4. Be it further enacted, That for the more certain completion of the work herein intended, it shall be the duty of the county court to employ a sufficient number of competent men to execute the same, and to appoint one supervisor for each county, whose duty it shall be to superintend said work and the workmen employed on the same, within their respective counties; and the said supervisor shall be responsible to, and under the direction of the said county court, and removeable by them at pleasure.

SEC. 5. Be it further enacted, That it shall be the duty of the chief justice of each county to make a full report tri-annually to the secretary of state, of the proceedings of the court under this act, and of the progress made in the removal of the obstructions to the navigation of the rivers aforesaid, and the said chief justice, together with each of the associate justices, shall be responsible to the executive for all the moneys which may come into their hands, from the assessment of taxes as herein before authorized.

JOSEPH ROWE,

President of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To prevent the issuing of individual Printed or Lithographed Notes.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after thirty days from the passage of this act, it shall be unlawful for any person or persons, to either issue or put in circulation

any printed or lithographed promissory notes of any denomination whatever, or any other printed or lithographed note, bill or paper, purporting to represent the value of money and intended for circulation; and any person violating the provisions of this act, shall on conviction before any justice of the peace, or other court of this republic, be fined in a sum not less than five dollars nor more than fifty dollars for each offence, and it is hereby made the duty of all grand juries of this republic to enquire into and present all persons offending against the provisions of this act, and any person within ten days after the passage of this act, who shall present in payment of debt or for purchase of any property whatever any of the above promissory notes, shall be on conviction fined not less than five dollars nor more than fifty dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the county of Shelby.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the following limits shall compose the boundaries of the county of Shelby, from and after the passage of this act, viz: the line beginning at the mouth of the Small Bayou which empties into the Sabine river, just below the town of Hamilton, and running up that Bayou to the crossing of the road leading from Hamilton to San Augustine, thence on that road to a point opposite Buckley's, thence on a direct line including Buckley's house to a house lately built by J. Rowe, thence on a direct line to a point right on the road leading from J. M. Bradley's to San Augustine, one and a half miles distant from said Bradley's, thence on a direct line to Kerr's ferry on the Attoyac river, thence up that river to its source, or to the crossing of Trammel's trail; but if the said trail should cross above the head waters

of that river, then the said line shall run due west, from its head waters to said trail; thence on that trail to the Sabine river, thence up that river to the Cherokee crossing of the same, thence on the road leading to Jonesborough to the Big Cypress Bayou, thence down that bayou to Lake Sodo, thence east to the boundary line between this Republic and the United States of the north, thence along said line south to the Sabine river, thence down the said river to the beginning point.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the county of Washington.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all that district of country within the following described boundary be, and compose the county of Washington, (to wit:) beginning at the mouth of Caney creek, on the west bank of the Brazos river; thence up said creek to its most northwestern source; thence in a western direction, to the south east corner of the league of land granted to Harman Hensely on Mill creek; thence west on the ridge dividing the waters of Cummings creek, of the Colorado, and the waters of New Years and Yegua creeks of the Brazos; thence north along said ridge with the eastern boundary of the counties of Fayette and Mina to the old San Antonio road; thence east with said road to the Navasoto river; thence down said river to its mouth; thence down the river Brazos to the place of beginning.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To incorporate the town of Matagorda.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of the towns of Matagorda, the City of Hamilton and the town of Sabine, both on the Sabine river, be, and they are hereby incorporated as bodies politic with the same powers and privileges as are conferred upon the town of Brazoria, by an act passed at the extra session of this congress.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the purchase of the Steamer Pulaski.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be and is hereby instructed to purchase and arm for the national defence of this republic, the marine steamer Pulaski, and the necessary sum for so doing is hereby appropriated out of any unappropriated money in the treasury.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To pay the officers and soldiers of the Army and Navy,

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That two hundred and fifty thousand dollars, of the promissory notes authorized to be issued by an act passed on 9th of June, 1837, are hereby expressly appropriated for the payment of arrearages now due the officers of the army and navy, and the soldiers and sailors of the same.

SEC. 2. Be it further enacted, That every person entitled to the payment provided by this act, shall, when he presents his drafts to the treasurer, take an oath that said draft or drafts were originally issued to him, and that since, he has not sold, alienated or pledged the same to any person, and that he is now the bona fide and sole owner of it or them. If there be any endorsement or appearance of endorsement on any draft, the holder shall be required to produce satisfactory proof to the treasurer that the said draft has never been sold or transferred.

SEC. 3. Be it further enacted, That if the situation of the republic should be such as to require a greater issue of the promissory notes than the amount appropriated by an act passed the 9th of June, 1837, that the president be, and he is hereby required to have issued one hundred and fifty thousand dollars of the promissory notes of the government, of the same character and no more: and also that the treasurer, or his chief clerk, is hereby authorized to administer the oath prescribed in the second section of this act. And further provided, that the president be authorized to appoint a proxy to sign his name to the above notes.

JOSEPH ROWE.

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to "an act to pay the officers soldiers and sailors of the Army and Navy."

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That the benefits of the above recited act is intended to be extended to all officers, soldiers and sailors who may now be, or have been heretofore engaged in the defence of the country, either in the army or navy.

SEC. 2. Be it further enacted, That the benefits of this act shall be extended to those who rendered actual, personal, and only for personal services in the army and navy, and only that portion of them who are the original holders of said claims.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the counties of San Augustine and Sabine.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the boundary line of the county of San Augustine, shall begin on the Attoyac river, at the line of the county of Shelby, and run on that line to the line of the county of Sabine; thence on that line to the crossing of the road over the Pollygotch bayou, near Mr. Sneeds; thence on a direct line to Mr. Pressnalls; thence southwest to the road leading from San Augustine to Zavala; thence on that road to the line of the county of Jasper; thence on that line to the Angelina river; thence up that river to the mouth of the Attoyac; thence up the west bank of that river to the beginning point.

SEC. 2. Be it further enacted, That all the territory lying west of the Sabine river, south of Shelby, east of San Augustine county, and north of Jasper county, and not included in any other county, shall constitute and compose the county of Sabine.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Creating the county of Fannin.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That all the territory included within the following limits to wit: Beginning at the mouth of the Bois d'Arc creek, thence up said creek to the crossing thereof, at the residence of Carter Cliffts; thence south to a point thirty miles in a straight line from the place of beginning; thence westwardly and northwardly to Red River, so as to include all the territory within the aforesaid bounds, and east of the cross timbers, thence down Red river to the place of beginning, be and the same is hereby created into a new county to be called the county of Fannin.

SEC. 2. Be it further enacted, That the said county shall be organized, in conformity with the provisions of "an act creating the county of Houston," and that the first court of said county shall be held at the residence of Jacob Black, on the last Monday in January, 1838; and thereafter on the first Monday in March, June, October and December, in each year, and shall remain in session each term until the business before the said court shall be disposed of.

SEC. 3. Be it further enacted, That said county shall be and the same is hereby included in the first judicial district, and the district courts of said county shall be held on the second Mondays after the first Mondays in March and September in each year.

SEC. 4. Be it further enacted, That it shall be the duty of the county court of said county at the first term thereof to appoint two commissioners from the lower, and two commissioners from the upper end, and one commissioner from the centre of said county whose duty it shall be to locate the permanent seat of justice for said county; and said commissioners after being sworn, shall proceed to locate the same as near the centre of said county, with a view to future divisions and the constitutional size of the same, as a sufficiency of water, timber, and other conveniences may be found, who shall receive from the treasury of said county such compensation as may be allowed them by the county court thereof; whose duty it shall be, so soon as the seat of justice is located, to remove all the public records of said county to said place, and hold their courts at such place.

SEC. 5. Be it further enacted, That said county of Fannin, and the county of Red river shall constitute and compose one senatorial district.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Locating permanently the seat of Justice for the county of Brazoria.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled. That Brazoria in the county of Brazoria be, and the same is hereby declared to be the permanent seat of justice for said county.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of Jasper county.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the following boundaries shall be the permanent bounds of Jasper county; beginning on the Sabine river, at the northeast corner of Jefferson county; thence along the north line of said county to the Neches river; thence up said river to old fort Terran, thence in a direct line to the mouth of Big Bear creek; thence up said creek to Jones' bridge; thence in a direct line from Bear creek in a direct line to McKims; thence in a direct line to Bevil's ferry, on the Sabine.

SEC. 2. Be it further enacted, That the chief justice of Jasper county shall issue an order for an election, to be held on the last Monday in January, 1838, to elect three commissioners for selecting a proper site for the permanent seat of justice for said county; and said commissioners immediately after being notified of their election shall forthwith proceed to select such place as is in their opinion the best calculated for a county seat of said county, and report the same to the chief justice of said county.

SEC. 3. Be it further enacted, That if the commissioners should select a place on private property, then they shall buy or receive it as a donation to the courts so much land as may be necessary for a county seat, and divide it off into suitable sized lots for building on, and sell the same on a credit of six and twelve months, the purchaser giving bond and security until final payment, and the proceeds to be paid into the county treasury for the use of said county.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Creating the county of Robertson.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all that section of country lying and situated in the following boundaries be, and the same is hereby set apart and constituted a new county, to be known and called by the name of "Robertson," viz: the line beginning on the Brazos river, at the county line of the county of Washington, and running on that line easterly to the Trinity river; thence up that river to the northern edge of the Cross Timbers; thence due west to the Brazos river; thence down that river to the beginning point.

SEC. 2. Be it further enacted, That the said county of Robertson shall be organized in conformity with an act, entitled "an act, to organize the inferior courts, and defining the powers and jurisdiction of the same;" and it shall be the duty of the chief justice of the county of Robertson forthwith after his qualification, to give at least ten days public notice in such places in the said county as he may deem necessary, to hold an election for the seat of justice for said county, in which election all persons qualified to vote for members of the general congress, and residing within said county, shall be entitled to a vote.

SEC. 3. Be it further enacted, That the said county of Robertson shall be attached to the senatorial district of Milam, and be entitled to one representative in congress, and that the county courts for the said county of Robertson, shall commence and be holden on the third Mondays of February, May, August and November in each and every year; and that the said county shall belong to the third judicial district, and a district court shall commence and be holden at the county seat of said county, on the Monday next succeeding the fourth Mondays of the months of April and October in each and every year.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the auditor to audit the accounts of Geo. W. Bonnel.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor of public accounts be, and he is hereby required to audit the accounts of George W. Bonnel, amounting to eight hundred and seventy-five dollars, for expenditures made by him in recruiting and bringing into the service of this republic a company of volunteers in the year 1836.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To sustain the Currency of the Country.

Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That from and after the passage of this act, nothing but gold and silver or promissory notes of this government, shall be received in payment of duties on goods imported into this republic, nor shall any bank notes be received in payment of any dues to the government of Texas.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To prohibit the further sale of Land Scrip.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized and required to issue his proclamation forthwith recalling our agent sent to the United States for the Sale of land scrip, and forbidding the sale of any more.

SEC. 2. Be it further enacted, That the said agent be required forthwith to return to the secretary of the treasury all the land scrip in his possession, and should he fail or refuse to do so, four months after the first day of January next, he shall be considered guilty of a high misdemeanor, and on conviction before any court shall be fined in a sum not less than five thousand dollars, nor more than twenty thousand dollars, which fine shall go to the use of the republic, and shall be liable and subject with his securities, to be sued on his bond also.

SEC. 3. Be it further enacted, That all sales of land scrip made by said agents after receipt of the president's proclamation shall be null and void.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To require the district Judges to reside permanently in their proper districts, and for other purposes.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That it shall be the duty of each district judge to reside permanently in his district, unless absent on official duties or by special

leave of the president, which special leave shall not extend beyond two months in each year, and shall not interfere with the regular terms of the court, and any judge for a violation of the provisions of this section, and for absenting himself from any term of a court, where, by law he is required to attend, shall be liable to be fined in the sum of one thousand dollars, upon motion before the supreme court, reasonable notice being given to the party of such motion, and shall also be liable to an action for damages by any party aggrieved by reason of such absence, or failure to attend the court.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Anson Jones.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor be required to audit the accounts of Dr. Anson Jones, for the sum of fourteen hundred and sixty-five dollars thirty-three and one-third cents, for his services as apothecary general, from the 6th of October 1836, to the 10th May, 1837; also two hundred and ten dollars expended by him for the rent of a store house from 1st July 1836, to the 1st day of February, 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Charles Durocha.

Resolved, by the senate and house or representatives of the republic of Texas, in congress assembled, That the auditor be required to audit an account of Charles Durocha, the sum of one hundred and two dollars to be paid out of the funds to be appropriated for the payment of the civil list.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

To select a Committee of five &c. to locate the seat of Government.

SEC. 1. Resolved, By the senate and house of representatives of the republic of Texas, in congress assembled, That they will elect a joint committee of five, two from the senate and three from the house of representatives, to be elected by their different houses, to whom shall be referred all propositions for the location of a permanent seat of government, that the said committee be instructed forthwith after the adjournment of congress, to repair to that section of country in which it is proposed to locate the seat of government, and examine, and make plots of the different places proposed as proper for the seat of government, and to visit and examine such other places as may be proposed for the seat of government, and prepare plots and descriptions of all such place with the conditions on which they can be had by the government, and report thereon on the first Monday of the next meeting of congress.

SEC. 2. And be it further resolved, That said committee, shall receive the same pay as if in actual session of congress, for the time they are serving on said committee, and they are herc-

by instructed to make contracts on the most favorable terms they can, subject in all cases to the ratification or rejection of congress.

SEC. 3. And be it further enacted, That the said committee shall have power to make reservation of all vacant lands which may be situated within nine miles of any point which the committee may think proper to designate as suitable locations for the seat of government, and due notice of said reservation shall be forthwith given in at least three public newspapers, and no county surveyor shall survey any land in the said reservation, until after said reservation shall be relinquished by congress; Provided, that it shall not be lawful for said committee, to make such reservations in more than five different places.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Precluding aliens from being appointed to office.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, it shall not be lawful for the president or either of the heads of departments to appoint any person to any civil office, (consuls to foreign ports excepted,) unless such person shall have residence at least six months in the republic, and is a citizen of the same; nor shall any alien be appointed to any military office in this republic, except in case of invasion, or the prosecution on our part of offensive warfare against Mexico.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

AN ACT

Entitled "an act to reduce into one act, and to amend the several acts relating to the establishment of a General Land Office."

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be, and is hereby established a General Land Office for the Republic of Texas, to be located at the seat of government, or at such place as may hereafter be designated by law, the chief officer of which shall be called the Commissioner of the General Land Office, which said officer shall be appointed by the president by and with the advice and consent of the senate, shall enter into bond with three or more securities, payable to the president or his successors in office, in the penalty of fifty thousand dollars, conditioned for the faithful performance of the duties of his office; said bond and securities to be approved by the president and senate, which bond shall be filed in the office of the secretary of state, and shall hold his office for the term of three years. Provided, the provisions of this section shall not affect the present incumbent of that office, except so far as relates to his giving bond and security, and holding his office for three years from the date of his appointment; and the said commissioner of the general land office shall receive a salary of three thousand dollars per annum, payable quarterly.

SEC. 2. Be it further enacted, That the commissioner of the general land office be, and he is hereby authorized to appoint a chief clerk, which said clerk shall receive a salary of sixteen hundred dollars per annum, and two assistant clerks, who shall receive, as a salary, twelve hundred dollars each per annum, payable quarterly.

SEC. 3. Be it further enacted, That the said chief clerk shall enter into bond with three or more securities, to be approved by the commissioner of the general land office, in the sum of twenty thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of the duties of his office, (which bond shall be deposited in the office of the secretary of state,) who, in case of the absence of the commissioner of the general land office, or his inability to at-

tend to the duties thereof, shall perform all the duties appertaining to said office.

SEC. 4. Be it further enacted, That all officers appointed, or to be appointed, under the provisions of this act, shall, before entering on the duties of their office, take and subscribe the following oath, to wit: "I, A B, do solemnly swear, that I will faithfully discharge the duties of my office, without favor or partiality, so help me God," which said oath shall be transmitted to, and filed in the office of the secretary of state.

SEC. 5. Be it further enacted, That the commissioner of the general land office shall cause to be provided a seal of office, which seal shall not be changed except by law; and certified copies of any records, books, or papers, belonging to said office, under the signature of the said commissioner, or chief clerk with the seal of office thereunto attached, shall be competent evidence in all cases where the originals could be evidence.

SEC. 6. Be it further enacted, That the commissioner of the general land office be entitled to, and shall keep charge of the seal; and also that he be, and is hereby entitled to and shall have custody and control of all books, records, papers, and original documents, appertaining to the titles of lands, heretofore and by the provisions of the law denominated archives; and that the said books, records, papers, and original documents shall become and be deemed the books and papers of said office.

SEC. 7. Be it further enacted, That all patents issuing from the land office, shall be in the name of the republic of Texas, and under the seal of said office; shall be signed by the president of the republic, and countersigned by the commissioner of the general land office, or by the chief clerk thereof.

SEC. 8. Be it further enacted, That no person appointed to an office instituted by this act, or employed in any such office, shall directly or indirectly be concerned in the purchase of any right, title, or interest in any public land, either in his own name, right or interest for any other person, or in the name or right of any other person, in trust for himself; nor shall take or receive any fee or emolument for negotiating or transacting the business of said office, other than those fees allowed by law. Any person offending in the premises against the prohibition of this act, shall on conviction thereof before the district court, be removed from office, and fined in any sum not less than five hundred dollars, and shall forfeit all the land he owns in the repub-

lic, and never after be allowed to hold any office of trust or profit in this republic.

SEC. 9. Be it further enacted, That there shall be elected by joint vote of both houses of congress, for each county, a county surveyor, who shall reside at the county seat, and whose duty it shall be to receive and examine all field notes of surveys, which have been or may hereafter be made in said county and upon which patents are to be obtained, and shall certify the same under his hand to the commissioner of the general land office, after having recorded the same in a book to be kept by him for that purpose; and shall immediately return the same to the president of the board of land commissioners of said county. He shall before entering upon the duties of his office, enter into bond with three or more securities, to be approved by the board of land commissioners of the county, in the sum of ten thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of his duties; which said bond shall be recorded in the clerk's office of said county, and the original transmitted to the office of secretary of state; and the said surveyor shall hold his office for three years, and be re-eligible. He shall be entitled to charge on all field notes and plats presented to him for inspection, for every set of field notes and plat of a league and labor of land, five dollars; for one-third of a league, four dollars; and for every less quantity, three dollars. His books shall be open at all times for inspection, and he shall be allowed thirty-seven and a half cents for every search. He shall appoint as many deputy surveyors as he may deem necessary for the county; and shall administer to them the oath of office, and take the bond hereinafter prescribed, and shall furnish them such instructions as may be furnished to him from time to time by the commissioner of the general land office; and such deputy surveyor, before he enters upon the duties of his office, shall enter into bond, with two or more securities, to be approved by the county surveyor, in the sum of five thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of the duties of his office; and for such appointment of a deputy surveyor, the county surveyor shall be allowed to charge and receive from the person so appointed, the sum of five dollars.

SEC. 10. Be it further enacted, That it shall be the duty of each deputy surveyor, to administer an oath to each individual employed by him as chain carrier or marker, for the faithful performance of his duties as such, in accordance with the in-

structions given him: and no African, or Indian, or descendant of either, or any person under the age of sixteen years, shall be employed in either of the above capacities; and further, it shall be the duty of said surveyors to subscribe the name of each of the chain carriers to his field notes, previous to his returning the same to the county surveyor. He shall also state, to the best of his knowledge or belief, the number of labors of irrigable lands, the number of labors of temporal or arable lands, and the number of labors of pasture lands, in each survey, for that class of claimants who are entitled to land under the constitution and colonization laws, which shall be plainly written out in the field notes, and also inserted in each patent; and for all such surveys he shall charge and receive three dollars for each English lineal mile actually run.

SEC. 11. Be it further enacted, That there shall be elected by joint vote of both houses of congress, a commissioner, who shall be president of the board, and two associate commissioners, for each and every county, who shall compose and constitute a board of commissioners for their respective counties, to be styled a "Board of Land Commissioners," whose duty it shall be to investigate all claims on this government for head rights to lands; and they are hereby authorized and required to grant to any person or persons, a certificate of their claim or claims, upon such proof being made to them, by the party or parties claiming, as is herein required, setting forth in said certificate the amount of land the claimant is entitled to, upon what conditions, and the time when he, she, or they, emigrated to this country. The presidents of the boards of land commissioners shall be receivers of public monies, for their respective counties, and shall enter into bond with good and sufficient security, to be approved by the county court, or if there be no county court, the board of land commissioners, in the sum twenty thousands dollars, payable to the president of the republic of Texas, or his successors in office, and conditioned for the payment of all sums which may be received by him, on account of the public lands, to the secretary of the treasury for the use of the republic, which bond shall be recorded by the clerk of the county court, and the original transmitted to the office of the secretary of state, and for all public monies which he may receive and pay over, he shall be allowed to charge and receive two per cent.

SEC. 12. Be it further enacted, That every person who shall claim a title to land in this government by virtue of the

colonization laws, or by residence in the country at the declaration of independence, shall be required to take and subscribe the following oath: "I do solemnly swear, that I was a resident citizen of Texas at the date of the declaration of independence, that I did not leave the country during the campaign of the spring of 1836, to avoid a participation in the struggle, that I did not refuse to participate in the war, and that I did not aid or assist the enemy, that I have not previously received a title to my quantum of land, and that I conceive myself justly entitled, under the constitution and laws, to the quantity of land for which I now apply." They shall also be required to prove, by two or more good and creditable witnesses, as the commissioners may require, that they were actually citizens of Texas at the date of the declaration of independence, and have continued so to the present time; and they shall also be required to prove, in like manner, whether they were married or single at the time of the declaration of independence, and what amount of land they were entitled to under the law. Provided, widows and orphans shall not be required to take the oath, herein prescribed; and all persons claiming a grant to land of this government by inheritance or by purchase, shall prove, in the same manner as above stated in this act, widows, orphans, or their legal representatives not excepted, that the person whose estate they claim is entitled to a grant to land of this government, by the laws of the country, or that the person of whom they purchased is actually entitled to said grant to lands of this government; and no purchaser of a head right shall be entitled to receive a grant either as assignee, or in the name of the original claimant, unless proof be also made that the person represented as entitled to the grant, is actually a resident of the republic at the time the application for the grant is made; and all orders of surveys of head rights procured under the colonization laws previous to the declaration of independence, shall be submitted to the examination of the land commissioners and the holders of the same, whether they be original claimants, their heirs, or assignees, shall be subjected to the same formalities and requisitions in procuring said head rights as pointed out for other individuals in this law.

SEC. 13. Be it further enacted, That any person claiming the benefits of any particular colonization law of Coahuila and Texas, during their existence, fixing the prices to be paid for lands by the colonists, shall prove by at least two respectable witnesses, that he, or she, was actually residents of Texas during

the time said law was in force, which proof so made before said board of land commissioners, shall entitle the claimant to have his or her land at the price fixed upon by said colonization law which was in force at the date of said claimant's emigration to this country.

SEC. 14. Be it further enacted, That there shall also be elected for the several counties, a clerk, by joint vote of both houses of congress, who shall keep, in a well bound book to be kept by him for that purpose, a correct account of all the transactions of the board of land commissioners, the name of every person to whom a certificate shall be given, the amount of land granted to each person, the time of their emigration to the country, and the name or names of the witness or witnesses, by whom the claimants severally proved their claims; and the said clerk shall, at the end of every month, forward to the commissioner of the general land office, a correct list of the names to whom certificates have been given, the amount of land granted to each individual, and the date of the claimant's emigration to the country; and the said commissioner of the general land office shall keep a record of all such returns which may be made to his office; and the said clerk shall, before entering upon the duties of his office, give a bond with good security, to be approved of by the board of land commissioners, for the sum of five thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of the duties of his office as clerk and register, and the safe keeping of the records thereof.

SEC. 15. Be it further enacted, That every certificate which may be issued by the authority of this act, shall be signed by the board of land commissioners, and attested by the clerk, and for every such certificate so issued, the party claimants shall pay the sum of five dollars, one half of which shall go to the clerk, and the other be equally divided between the quorum of the board actually presiding. And it is hereby made the duty of said board, and they are required to meet at the court houses of their respective counties on every other Thursday, then and there to transact the duties required of them by this act, and shall remain in session so long as may be necessary for the transaction of the business before the board, for which services they shall be entitled to demand and receive the fees herein allowed, and no more. Provided, that after the land offices shall have been open three months, the said board shall not be required to meet only on the first Thursday of each month,

and if that day should fall on a regular court week, so as to interfere with it, then they shall meet on the next Thursday thereafter. And further provided, that a majority of said board shall form a quorum to transact the duties herein required of them.

SEC. 16. Be it further enacted, That the decision of a majority of said board of commissioners shall be necessary to entitle any person to a certificate of their claims, but if a majority of said board should decide that any claimant who presents himself, or herself, before them for a certificate of claims, is not entitled to the amount of land which they claim, said claimant may take an appeal from their decision to the next district court for the county in which said claimant may live, citing the board of commissioners to appear as defendants, where it shall be tried; and in all such cases the district attorney shall represent the interest of the republic, for which services he shall be allowed a tax fee of ten dollars on every such case, to be paid by the appellant, together with all other costs of suit, in case he or she fails to obtain a verdict in his or her favor. But if the appellant should obtain a verdict for the amount of land which he or she claims, the costs of suit shall be paid by the republic, when the commissioners shall issue a certificate in accordance with such decision.

SEC. 17. Be it further enacted, That any certificate of claim to land, which has been or may be obtained in the manner and form herein prescribed, shall be sufficient evidence to authorize any lawful surveyor to survey for any person holding such certificates, any lands which he may point out, agreeably to all the laws which do now, or may hereafter exist on that subject. Provided, also, that where more than one application is made for the same tract of land to be surveyed, the settler or occupant shall have the preference if their claims be otherwise equal. Provided, that no location or improvement made since the declaration of independence by persons who have since that time arrived in the country, shall be regarded when they come in conflict with the claims of those who were here at the declaration of independence. But those individuals entitled to the six months preference, shall have the right of locating their lands upon any vacant lands of the republic, without regard to any improvements made by individuals who have arrived in Texas since the declaration of independence. In all other cases, or in case there be more occupants than one, the conflicting claims shall be summarily tried by the nearest justice of the peace and

six disinterested jurors summoned for that purpose, and upon their decision the surveyor shall grant to the successful party the field notes of the tract of land, given in all cases the preference to the oldest occupant and settler. Provided, in all cases, that the claimant shall apply for such certificate in the county in which he, or she may reside at the date of the passage of this act; and provided that persons claiming land by inheritance or assignment shall apply for such certificate in the county where the testator died, or where the assignor lived at the time of making such transfer.

SEC. 18. Be it further enacted, That when two or more persons cannot agree to a division line of any land, which has never been surveyed agreeably to law, it shall be lawful for either party to apply to any justice of the county or territory in which the land lies, or if there be no justice of the peace in the county or territory, then to the nearest justice in any county or territory, and make oath that he has tried and has not been able to settle the dispute between himself and one or more other persons, (naming them,) concerning a division line, and the said justice shall issue a warrant to any lawful officer to summons the party or parties defendant, together with six disinterested jurors, to meet upon the premises in dispute, together with such witnesses as either party may choose to have summoned, to give evidence on a certain day, naming at what time and place. The justice shall also meet the parties, examine all the testimony before the jury, who shall on oath, hear and determine to case in dispute, and shall also determine who shall pay the cost of suit.—Each juror in such case shall be allowed two dollars per day for such services; the other officers, such fees as have been already established by law for other similar services. Provided, that if the land in dispute shall be on a county line, it shall be lawful for a justice of either county in which part of the land may be, to act in such case, and in case either party be dissatisfied with the decision, they shall have the right to appeal to the district court within ten days, upon giving bond security for the costs.

SEC. 19. Be it further enacted, That it shall be the duty of the surveyor in all cases, before he runs a division line between two settlers claiming lands, to notify the party or parties interested, before running the same, in writing. And any survey which may be made contrary to the true intent and meaning of this section of this act, shall not be a lawful one, and the field notes of every survey which shall be returned to any land

office hereafter for the purpose of getting a title for the same, shall be under oath of the surveyor, who shall swear it was executed according to law, and shall also swear the same was made prior to the closing of the land office by the consultation, or subsequent to the opening of the same by this act, and if made prior to the closing of the land office by the consultation, the same shall also be proven by at least two respectable witnesses.

SEC. 20. Be it further enacted, That the commissioner of the general land office is hereby authorized to grant, to all persons holding an order of survey legally obtained previous to the closing of the land offices in one thousand eight hundred and thirty-five, and having a survey which was made agreeably to said order, and in conformity to law in all respects, a patent for the same, upon the holder presenting the certificate of some board of land commissioners, that he is entitled to the quantity of land surveyed, and making such proof to them as is required by law, and upon his paying the several fees as the laws require.

SEC. 21. Be it further enacted, That all lands surveyed for individuals lying on navigable water courses, shall front one half of the square on the water course, and the line running at right angles with the general course of the stream, if circumstances of lines previously surveyed under the laws will permit, and all others not on navigable water courses shall be square if previous lines will permit; and under no circumstances shall any one grant be located in more than two surveys.

SEC. 22. Be it further enacted, That each and every individual under the age of seventeen, who have volunteered in the service of their country, and who have received honorable discharges, shall be entitled to the same quantity of land as a head right, that they would be though they were twenty- one years of age, and upon the same conditions.

SEC. 23. Be it further enacted, That all single men who were in the republic at the date of the declaration of Independence, and entitled under the constitution to one-third of a league of land, and who have since married, or may marry within the next twelve months, shall be entitled to the additional quantity of two-thirds of a league and a labor of land. Provided, that the benefits of this section shall only extend to those who have contributed to the support and defence of their country: and provided, this additional quantity shall not be allowed to any whose wife has received a league of land of this government.

SEC. 24. Be it further enacted, That whereas many persons have received titles under the colonization laws as colonists from the different commissioners of the county, and whereas many conditions were by the law attached to said titles, that all such conditions be, and are hereby cancelled, and the titles to all such lands are hereby ratified and confirmed. Provided, that such persons shall pay, or cause to be paid, to the president of the board of land commissioners of the county where such land may be situated, within six months after the opening of the land office, all money which may be due or owing on the same: provided, that the condition of remaining in the country, and the provision prohibiting the sale to aliens, shall not be repealed by this law. And further provided, that no title by this act shall be confirmed, which was illegal or invalid *ab initio*. And further provided, that this act shall not extend to any grantee or individual for a greater amount of land than one league and one labor.

SEC. 25. Be it further enacted, That no person shall, by virtue of an improvement, have a right to claim more than one league and one labor of land, and that improvement shall consist in the clearing and fencing in a farm like manner, at least four acres; and this privilege shall not extend to any person or persons who have previously received a title to the quantum of land to which they were entitled, nor to any person or persons entitled to a grant of land by purchase.

SEC. 26. Be it further enacted, That it is hereby declared, that all empresarios' contracts having ceased on the day of the declaration of Independence, all the vacant lands of Texas are the property of this republic, and subject alone to the disposition of the government of the same.

SEC. 27. Be it further enacted, That in order to settle the claims of empresarios, each and every one of the same are hereby authorized to institute a suit against the president of the republic of Texas, which suit or suits shall be tried in the county in which is situated the seat of government, and shall be tried as all other land suits are required to be tried. And should any empresario who should thus sue, fail to establish the claim for which he sues, he shall pay all the costs of said suit. Provided, that neither aliens nor the assignees of aliens shall be entitled to the benefits of this act.

SEC. 28. Be it further enacted, That it shall be the duty of the attorney general to attend to all such suits, in behalf of the republic of Texas, and the president is hereby authorized to

employ such additional counsel as in his opinion he may deem proper; the expenses of which shall not exceed one thousand dollars in each case.

SEC. 29. Be it further enacted, That every volunteer who arrived in this republic after the 2nd day of March, 1836, and before the 1st of August, 1836, and has received or may hereafter receive an honorable discharge and has taken the oath prescribed by the constitution, or who may have died, shall receive the quantity of land by this act secured to original colonists.—Provided, that the priority of location mentioned in the thirty-eighth section of this act shall be adhered to; and further provided, that none but the person who served, or his heirs, shall be entitled to the benefit of this provision, and all augmentation shall accrue to the original claimants, and not to the person to whom it may have been transferred; provided, no person who is entitled to the benefit of the first part of this section of this act, shall be entitled to the benefits of the latter part of the same; every person who has arrived in this republic since the declaration of Independence, and previous to the 1st of October, 1837, who is a free white person and the head of a family, and who actually resides within the government with his family, shall be entitled to a conditioned grant of twelve hundred and eighty acres of land, by paying the fees of office and surveying. The conditions of said grant shall be that both grantee and his or her family shall remain and reside within this republic, and do and perform all the duties required of otherlike citizens, for the term of three years; after which time, he or she shall receive an unconditional deed for said land; and in no case whatever shall a grant of that description be made unless it be satisfactorily proven that all the conditions and provisions of the law have been complied with. And all single free white men who have emigrated to this republic since the declaration of Independence, and previous to the 1st of October, 1837, shall be entitled to six hundred and forty acres of land, and if they married before the 1st day of October, 1837, they shall be entitled to an additional quantity of six hundred and forty acres of land upon the same conditions as above named, and all laws contrary to the meaning and provisions of this section are hereby repealed.

SEC. 30. Be it further enacted, That all officers and soldiers who engaged in the services of Texas previous to the 1st of March, 1837, whose families are now here or may arrive within twelve months from the date of their discharges, shall be entitled to the same quantity of land as they would have been

entitled to, if their families had emigrated with them to the country.

SEC. 31. Be it further enacted, That the board of land commissioners are hereby authorized to grant to persons claiming lands of this government under the 29th section of this act, a certificate of their claims, upon the same proof being made to them as is required of other claimants, stating in said certificate, the amount of land to which the claimant is by law entitled; at what time he or she arrived in this republic.

SEC. 32. Be it further enacted, That the commissioner of the general land office, shall when required by the president of the republic or either house of congress make a plat of any land surveyed under the authority of the government, and give such information respecting the public lands and concerning the business of his office, as shall be legally required.

SEC. 33. Be it further enacted, That the commissioner of the general land office shall be, and he is hereby authorized to appoint a translator, who shall undergo an examination as to his qualifications, and shall understand the Castillian and English languages, and shall before he enters upon the duties of his office, take and subscribe the oath of office herein prescribed, shall give bond with two or more good and sufficient securities in the sum of ten thousand dollars, to be approved of by the secretary of state, and shall be payable to the president or his successors in office, conditioned for the faithful performance of his duties, and said translator shall hold his office for the term of three years and shall be allowed a salary of two thousand dollars per annum payable quarterly.

SEC. 34. Be it further enacted, That it shall be the duty of said translator, to translate into the English language, and record in a book to be kept by him for that purpose, all the laws and public contracts relative to the titles of land which are written in the Castillian language, and also to translate and record in like manner, all original titles which are written in the Castillian language, which may be on file in the office of the commissioner of the general land office.

SEC. 35. Be it further enacted, That should a vacancy occur during the recess of congress, by death, resignation or otherwise, of any member of either of the boards of land commissioners, or of the clerk of either of the boards, or of any county surveyor, it shall be the duty of the board of land commissioners, to notify such vacancy to the commissioner of the general land office, forthwith, and to recommend some person

suitably qualified to fill such vacancy, whereupon it shall be the duty of the commissioner of the general land office to fill said vacancy by an appointment, and report the same to the congress immediately on its next session, which officer shall continue to perform the duties of the office, to which he is appointed, agreeably to the provisions of this act, until his successor is duly qualified.

SEC. 36. Be it further enacted, That so soon as the certified copy of the field notes and plot of any survey shall be made and transmitted to the president of the board of land commissioners for the county where the land or a part of it lies, and the amount of money which is fixed by law as the price of such land, be paid, the president of the board of land commissioners shall endorse a receipt for such payment on the back of said field notes for which he shall give duplicate receipts and transmit the field notes to the commissioner of the general land office, who shall forthwith make out in due form a patent for said land, and record the same in a book to be kept for that purpose, and transmit the original to the president of the board of land commissioners, for the county where the land lies, who shall enter a minute of the said patent on his books and deliver the same to the party who is entitled to it, or some one authorized by him to receive the same, taking a receipt therefor; and the said patentees in all cases shall pay as government fees the prices fixed by the colonization laws of Coahuila and Texas in force at the time they emigrated to this country. And if they emigrated subsequently to the 2nd day of May, 1835, and previous to the declaration of Independence, they shall be required to pay the amount fixed by a law passed by the congress of the state of Coahuila and Texas on the above date.

SEC. 37. Be it further enacted, That the president of the republic be, and he is hereby authorized to contract for the surveying, and cause to be surveyed, at the expense of this government a sufficient quantity of land to satisfy the holders of all land scrip that may have been issued and sold by this government, agreeably to the law in all respects. And the secretary of the treasury is hereby authorized to pay out of any money in the treasury not otherwise appropriated, the expenses which may accrue in completing such surveys: provided, it shall not exceed three dollars for each English lineal mile actually run.

SEC. 38. Be it further enacted, That where two or more locations have heretofore been made on, and titles granted for

the same piece of land, or where the boundaries of different titled surveys conflict with each other, the party who has his title or order of survey of subsequent date, may on proper showing of all the facts, and the certificate of a legal surveyor to the board of land commissioners of the county in which the land lies, have his former title cancelled by said board and a new order issued for his quantum of land or so much thereof as shall be affected by the conflicting lines or boundaries mentioned in this section.

SEC. 39. Be it further enacted, That the several land offices contemplated and established by this act, shall commence and go into operation on the first Thursday in February next.—Provided, however, that the operations of the land office in the county of Red River, shall not extend to any portion of the territory near the supposed boundary line between this and the United States government of the north, and provided, also, that should any person obtain a certificate for land from said board of land commissioners for the county of Red River, who at the date of the passage of this act shall reside east of the boundary line hereafter to be run between Texas and the United States, said certificate shall be void, and their operations shall be confined to the granting and completing of land titles to all those who by the existing and previous laws have acquired a preference in the first location. Of this class are all citizens who were residing in Texas on the day of the declaration of Independence, and those volunteer soldiers who served a tour of duty in the army of Texas previous to that time. For this class of claimants the land office shall be opened and remain six months in operation, granting and completing titles alone to that class of claimants. After which other legal claimants shall be entitled to have their land titles completed as herein provided and directed. And the several boards of land commissioners shall be permitted and allowed to commence receiving applications for lands, and hearing testimony on the first Thursday of January next, and in case the country shall be invaded to an extent inducing the president to call out at least one-third of the militia for its defence, the commissioner of the general land office shall have power to close the land offices by proclamation, until such invasion has terminated, and all laws heretofore enacted on the subject of public lands shall be, and they are hereby repealed.

SEC. 40. Be it further enacted, That each county in the republic shall be considered and constitute a section, and that each county surveyor be required, as soon as practicable, to

make out or procure a map of each county, on which plats of all the deeded lands in the said county shall be made, so as to make a fair showing of the same, for which he shall receive compensation by special appropriation hereafter to be made for that purpose.

SEC. 41. Be it further enacted, That audited claims against the republic of Texas, shall be receivable in payment of public dues on lands: provided, the benefits of this section shall not extend to any one individual for a larger quantity of land than two leagues and two labors; and any one offering to pay for lands in audited paper on the government, shall swear that he has not paid for as much as two leagues and two labors in such paper before, either by himself or his agent, which affidavit shall be filed with the chairman of the board of land commissioners.

SEC. 42. Be it further enacted, That all streams of the average width of thirty feet shall be considered navigable streams within the meaning of this act, so far up as they retain that average width, and that they shall not be crossed by the lines of a survey.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Vetoed by the president, and passed the house of representatives, by a constitutional majority. Dec. 14, 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

Vetoed by the president, and passed the senate by a unanimous vote. Dec. 14, 1837.

S. H. EVERITT,

President pro tem. of the senate.

AN ACT

To incorporate the Texas Steam Mill Company.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That E. H. Burritt, Jabez Cornwall, Ezekiel Andrews jr., H. H. Douglass, Nathaniel H. Andrews, Samuel M. Hart, Nelson Hart,

and Edwin Belden, together with their successors and assigns, be and are hereby constituted a body politic and corporate under the name and style of "The Texas Steam Mill Company," with power to sue and be sued, plead and be impleaded, answered and be answered unto, appear and prosecute to final judgment in any court or elsewhere, to have a common seal, and the same to alter at pleasure, to elect in such manner as they shall determine, all necessary officers and to fix their compensations, and define their duties, to ordain and establish bye-laws for the government and regulation of their affairs, and the same to alter and repeal: and to employ all such agents, mechanics and other laborers as they shall think proper.

SEC. 2. Be it further enacted, That the object of the said company shall be to operate by steam power or otherwise in Texas a saw mill, a grist mill, a planeing mill, a lathe and shingle mill, and any machinery necessary in carrying on such other manufacturing or mechanical business as they shall determine to prosecute: also to prepare materials and erect public and private buildings, stores and offices upon contract.

SEC. 3. Be it further enacted, That the capital stock of said company shall be thirty thousand dollars, actually paid in with the privilege of increasing the same to fifty thousand dollars: Provided, however, that no additional stock shall be created during the first year of the company's operations.

SEC. 4. Be it further enacted, That said company under their corporate name shall have power to purchase, take, hold, occupy and enjoy to them and their successors, all such lands, tenements and hereditaments, and all such goods, chattels, and effects of every kind as shall be necessary for the purposes of said company.

SEC. 5. Be it further enacted, That the stock, property, affairs and business of this company, shall be under the care of, and shall be managed by not less than three directors, who shall be chosen annually by the stockholders, at such times and place as shall be provided by the bye-laws of said company, and who shall be stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead.

SEC. 6. Be it further enacted, That the directors of this company shall choose one of their numbers to be president, they shall also choose a secretary and treasurer of said company, and such other officers as the bye-laws of the company shall prescribe. They may call in future subscriptions to the capital stock of said company by instalments, in such proportions and

at such times and places as they may think proper, by giving such notice thereof as the bye-laws of said company shall prescribe, and in case any stockholder shall neglect or refuse payment of any such instalments for the space of sixty days after the same shall become due and payable, and after he, she or they shall have been notified thereof, the stock of such negligent stock holder, shall by the directors be sold at public auction, giving at least thirty days notice thereof in some newspaper, and the proceeds of such sale shall be first applied, in payment of the instalment called for, and the expenses attending it, and the balance shall be refunded to the owner thereof, and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

SEC. 7. Be it further enacted, That a majority of the directors of this company, convened according to their bye-laws shall constitute a quorum for the transaction of business, and a majority of the stockholders present at any legal meeting, and at all meetings of such stockholders, each share shall entitle the holder thereof to one vote.

SEC. 8. Be it further enacted, That the directors of the said company shall have power to fill any vacancy which may happen in their board, by death, resignation or otherwise for the then current year.

SEC. 9. Be it further enacted, That the books containing the accounts of said company shall at all reasonable times be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of said company shall be made by order of the directors.

SEC. 10. Be it further enacted, That the stock of this company shall be deemed and considered personal property, and be transferred only on the books of said company, in such form as the directors of said company shall prescribe, and said company shall at all times have a lien upon all the stock or property of the members of said company invested therein, for all debts due from them to said company.

SEC. 11. Be it further enacted, That this act of incorporation shall be, and continue in force for the term of ten years from and after its passage.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 16, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to an act to appoint a Board of Medical Censors.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That no person shall be eligible to election as medical censor, unless he be a regular graduate of medicine and surgery, and have a diploma from some college or university duly authorized to grant the same: and should any person be elected contrary to the intent and meaning of this act, such election shall be considered null and void.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 16, 1837.

SAM. HOUSTON.

AN ACT

To Incorporate the town of Mina.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of the town of Mina be, and they are hereby incorporated and formed into a body politic and corporate, under the name and style of the corporation of the town of Mina, and shall have the same privileges, and be subject to the same regulations and restrictions as are conferred and imposed upon the citizens of San Antonio, by an act passed the present session of congress, entitled an act to incorporate the city of San Antonio.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To amend the act, entitled an act to raise a Revenue by impost duties.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, the following articles may be imported into this republic free of duty, to wit: Sugar, Coffee, Tea, Salt, Flour and all kinds of bread stuffs, pickled Pork, Bacon Iron and steel, household furniture, cotton bagging, bale rope, books and stationery, machinery of all kinds, wagons, carts and harness, with necessary farming utensils, and lime and lumber, and implements brought in by emigrants for their own use.

SEC. 2. Be it further enacted, That from and after the passage of this act all dry goods manufactured of cotton, or of which cotton forms a component part, a duty of ten per cent. ad valorem shall be levied and collected: all other goods shall be subject to, and pay the duties laid down in the law passed 12th June, A. D., 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To incorporate the Brazoria Insurance Company.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens Robert Mills, Edmund Andrews, David Mills, Jas. F. Perry, Henry Austin, Charles D. Sayre, Samuel Fuller, J. G. McNeil, Samuel B. Brigham, and their present and future associates, successors and assigns, be, and they are hereby incorporated and created a body politic and corporate, by the name and style of "The Brazoria Insurance Company," and by the

same name and style, they and their successors shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing, holding, improving and conveying any estate, real personal or mixed for the use of said corporation, and the said corporation shall have power to ordain, establish and put in execution such bye-laws, ordinances and regulations as shall be necessary for the government thereof, and it shall be lawful for said corporation after the expiration of the charter thereof, to use the corporate name, style and capacity for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate real, personal or mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding three years after the expiration of the said term of incorporation, provided nevertheless that the foregoing section shall not be construed to authorize the said corporation to purchase or hold any real estate that may not be requisite and necessary to the conducting the legitimate business of an insurance company.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, and the same shall be created and paid in such manner and at such times as the president and directors of said corporation shall require, of which requisitions the president and directors shall give at least one months notice in the Telegraph or other public newspaper, if any there be in Texas, and cause the same to be notified to the stockholders, and if any stockholder shall after due notice, neglect or refuse to pay any instalment so required to be paid, he or she shall cease to be a member of said corporation, and the share or shares so forfeited, may be sold by the corporation in such manner as they may think proper.

SEC. 3. Be it further enacted, That for the well ordering of the affairs, of the said corporation there shall be nine directors, who shall be stockholders of the corporation; they shall be elected by the stockholders at their annual meeting to be held on the first Monday of January of each year for that purpose, and the directors at their first meeting shall choose one of their own number as president; provided, nevertheless, that until the first annual election the persons named in the first section of this act, shall have and may exercise all the powers given to the president and directors by this act, and in all elections for directors the vote shall be by ballot, and each stockholder shall have

one vote, for each share he may hold, but no stockholder shall vote at any election unless the share or shares upon which he may claim to vote shall have been standing in his or her name on the books of the said corporation for at least three months previous to such election. In case of absence from any general meeting, any stockholder may be entitled to vote by proxy.

SEC. 4. Be it further enacted, That the directors of said corporation for the time being, three of whom shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for the conducting and executing the business of the said corporation, and to allow said persons so appointed such compensation for their services respectively as they shall deem reasonable, and generally to exercise, all other authority and powers for the well ordering and governing the affairs and funds of the said corporation.

SEC. 5. Be it further enacted, That it shall be lawful for the said corporation to employ the funds thereof in establishing and sustaining the business of marine and fire insurance, to insure against loss or damages by sea, fire, enemies, and all other risks of loss or damage to which vessels and merchandize, are liable, vessels, merchandize, treasure and freight; insure vessels in port, buildings, merchandize and all other perishable property on land, against loss or damage by fire, and to charge, collect and receive for the same such premiums of insurance as the president and directors of said corporation may deem just, reasonable and commensurate with the risk. It shall be lawful for said corporation to lend at a rate of interest not exceeding ten per centum per annum, any surplus capital which they at any time possess, which may not be required for the payment of losses ascertained to have occurred, to purchase and sell bills of exchange, to lend money in bottomry and respondentia security at marine interest, and to do all those things which an individual citizen may do in conformity with the law. But it shall not be lawful for said corporation to issue and put in circulation any promissory notes of the character of bank bills, or to exercise banking privileges.

SEC. 6. Be it further enacted, That the shares of the said corporation shall be assignable and transferable according to such rules and regulations as the president and directors thereof shall for that purpose ordain and establish.

SEC. 7. Be it further enacted, That the president and directors of said corporation shall annually or semi-annually divide to the stockholders thereof, so much of the profits of the

business of the said corporation as in their discretion they shall deem safe and proper, and of the amounts so declared to be divided as the profits of the said corporation they shall reserve for the use of the county of Brazoria, to be applied to the improvement of the entrance of the mouth of the river Brazos, one per centum thereon, which shall be paid over to the treasurer of the county of Brazoria.

SEC. 8. Be it further enacted, That the office of the company incorporated by this act, shall be located in the town of Brazoria, and so soon as the president and directors thereof shall establish by evidence to the satisfaction of the justices of the county court for the county of Brazoria, that ten per centum. of the capital of said corporation has been paid by the stockholders to the actuary or secretary thereof, and that the balance or residue of the capital of two hundred thousand dollars has been secured to be paid when called for in conformity with the provisions contained in section second of this act, to the satisfaction of the president and directors thereof, and that the direction of said corporation has been organized in conformity with the provisions of section third of this act, the aforesaid justices shall give to them a certificate thereof, which shall be their warrant to commence business operations under the authority vested by this act.

SEC. 9. Be it further enacted, That in case the increase of navigation and commerce to from, and of the river Brazos shall at any time in opinion of the president and directors of the said corporation require the employment of a greater capital than two hundred thousand dollars, then and in that case, it shall be lawful for the said president and directors, by and with the consent of a majority of the stockholders of the said corporation to increase the capital thereof, in such manner as they may deem expedient, to such amount as they may deem requisite, not exceeding the sum of five thousand dollars, on their paying into the treasury of the county of Brazoria a bonus of five thousand dollars, which bonus of five thousand dollars, shall together with all sums which may accrue from the one per centum on the dividends of profits of said company, appropriated by article seventh of this act, to that object, be expended under the direction of a commissioner or contractor, to be appointed by the president and directors of said corporation, by and with the consent of the justices of the county court for the county of Brazoria, in facilitating the entrance of the mouth of the river Brazos by vessels, and in removing obstructions therefrom.

SEC. 10. Be it further enacted, That the charter granted by this act shall continue in full force and effect for the full term of thirty years, from and after the passage of this act, irrevocable, but for account of misdemeanor, malfeasance or breach of law.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the county of Liberty.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the territory included in the following limits shall constitute and compose the county of Liberty: Beginning on the Gulf of Mexico at the southwestern corner of the county of Jefferson, thence north along the western boundary line of said county to the Big Sandy creek, (thence down said creek with said county line, to its entrance into the Neches river,) thence up said river to the southeastern corner of the county of Houston, thence south of west along the southern boundary line of said county to the Trinity river, thence across the river in the same direction to a point nine miles distant, thence in a direct line to the head of Cedar Bayou, thence down said Bayou to its entrance into the Gulf of Mexico, thence along said Gulf with all its meanderings, including the Trinity Bay to the place of beginning.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to an act entitled an act to organize the Militia of this Republic.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the militia of this republic constitute one division, to be commanded by a major general, elected by joint vote of both houses of congress. He shall in time of peace have three aids-de-camp, with the rank of major of cavalry, either of whom when on duty shall have the emoluments of the corresponding rank in the regular army.

SEC. 2. Be it further enacted, That the militia of Texas shall be divided into four brigades, each to be commanded by a brigadier general, to be elected in the same manner as the major general; and when a vacancy shall hereafter occur, he shall be elected by the officers of his brigade. All that portion of the country west of the Brazos river shall constitute one brigade; all between the Brazos and Trinity rivers shall constitute one brigade: all between Trinity and Sabine rivers shall constitute one brigade; and all north of the Sabine and of Red river one brigade.

SEC. 3. Be it further enacted, That each brigadier general shall be entitled to one aid-de-camp with the rank of captain of cavalry, whose pay and emoluments shall be that of corresponding rank in the regular army, when he is in actual service.

SEC. 4. Be it further enacted, That all adjutants created under this law, shall have the same pay and emoluments, when in actual service, as officers of corresponding rank in the regular army of the republic, and shall be liable to like penalties of misdemeanors or unofficerlike conduct.

SEC. 5. Be it further enacted, That the adjutant general shall be elected by joint vote of both houses of congress, shall have the rank and pay of colonel of cavalry, shall keep his office at the seat of government, shall hold his office for two years, and be re-eligible, by appointment of major general, subject to confirmation by congress.

SEC. 6. Be it further enacted, That so soon as the militia shall have been organized in the respective regiments, it shall be the duty of the colonel thereof, by his adjutant, to visit the respective company beats, and cause, by lots, the privates of said beats

to be enrolled in class number one, two and three, which classes shall be liable, in the order in which they stand, to be called into actual service by the president, to serve for any period of time not less than three months, nor longer than six; each class when called into actual service to be commanded respectively by the captain and first and second lieutenants; and no class shall serve twice until all the others shall have been called out.

SEC. 7. Be it further enacted, That it shall be the duty of the captain and his officers, at each county muster, and in the presence of his company, to cause the names of the newly enrolled members thereof to be drawn, by lot, into the respective classes; which drawing and public registering shall be as binding as if done by the adjutant under the provisions of the sixth section of this act.

SEC. 8. Be it further enacted, That all laws or parts of laws, conflicting with the provisions of this supplement, and now in force, are hereby repealed.

Vetoed by the president, and passed the house of representatives, by a constitutional majority. Dec. 18, 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

Vetoed by the president, and passed the senate by a unanimous vote. Dec. 14, 1837.

S. H. EVERITT,

President pro tem. of the senate.

AN ACT

To encourage Steam Navigation.

Whereas, it is conceived that the best interests of the country may be advanced by the encouragement of the navigation of the Gulf of Mexico by steam packets, and as the tonage duties which are now established by law, are calculated to impede the advancement of this desirable object, inasmuch as the emigrant is compelled to pay a very high price for passage, thereby preventing many from visiting the country who would otherwise feel inclined to do so, therefore,

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That each and every steam packet which may arrive from any foreign port at any port in Texas, be and they are hereby exempted from the payment of any tonage duties; Provided, such packet shall be bound at each trip to transport when required government stores or other public property free of any charge therefor, and provided further, that at no one trip shall they be required to transport more than two hundred barrels in bulk, and provided that the benefits of this act shall extend to no steam packet or vessel which shall not be entered upon her first trip to this country as a regular packet between the ports of Texas and some foreign port or ports.

SEC. 2. Be it further enacted, That this act shall continue in force until repealed.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To amend the several laws regulating the Post Office Department.

SEE. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That section the ninth, of an act "creating a General Post Office, &c.," passed December the twentieth, eighteen hundred and thirty-six, be repealed from and after the passage of this act.

SEC. 2. Be it further enacted, by the authority aforesaid, That the following rates of postage shall be charged on all letters and packets, except such as are herein exempted, conveyed by the mails and posts of Texas, namely: For every letter composing a single sheet of paper, and conveyed any distance not exceeding forty miles, twelve and a half cents; over forty and not exceeding one hundred miles, twenty-five cents; over one hundred miles and not exceeding one hundred and fifty miles, thirty-seven and a half cents; over one hundred and fifty miles, fifty

cents: upon all ship letters, six and a quarter cents shall be charged in addition to the above rates; and for every package composed of four or more pieces of paper or thing, and weighing one ounce, quadruple those rates, and in that proportion for all greater weights: newspapers, carried not over one hundred miles, one cent each; over one hundred miles, two cents: pamphlets, carried not over one hundred miles, per sheet one and a half cents; over one hundred miles, two and a half cents. All letters, newspapers, and pamphlets, going out of Texas, it shall be the duty of the post master to require the postage in advance.

SEC. 3. Be it further enacted, That it shall be lawful for the post master general to impose such fines and forfeitures upon the mail contractors for all failures they make in not regularly and faithfully complying with the terms of their contract, as in his opinion may be just and proper. Provided, that no fine for a failure in delivering any mail shall exceed the pay of one trip.

SEC. 4. Be it further enacted, That it shall be the duty of every ferryman, or keeper of a ferry on any water course, to pass over free of charge the driver or carrier of the mail and any horse or carriage carrying the same.

SEC. 5. Be it further enacted, That the sum of twenty thousand dollars is hereby appropriated for the purpose of facilitating the transportation of the mails, to be paid out of any money not otherwise appropriated.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Relating to the pay and allowances of the officers and soldiers of the Army.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, no officer attached to the army shall be entitled to pay or allowance who is not in actual

command, in camp or garrison, under the orders of the secretary of war.

SEC. 2. Be it further enacted, That from and after the passage of this act, no non-commissioned officer or private shall be entitled to any pay or allowance, unless in actual service in camp or garrison.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

Requiring the Auditor to settle with Mr. Thomas Brennan.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor be required to audit and settle with Mr. Thomas Brennan, purser of the schooner Independence, the claims of the officers and crew of that vessel.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the county of Red River.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That after the passage of this act Red River county shall be bounded as follows, viz: Beginning at the mouth of the Bois d'Arc, running up that stream to Carter Cliffs, crossing thence south to a

point west of the head of Bid Cypress, east to its head, and down that to Sodo Lake, thence east to the line of the United States, with that line to Red River, up that to the beginning.

SEC. 2. And be it further enacted, That the first courts of said county shall be held at La Grange on the second Monday in January, one thousand eight hundred and thirty-eight, at which time and place the chief justices of said county, shall appoint two commissioners from the upper end, two commissioners from the lower end, and one commissioner from the centre of said county, whose duty it shall be after being duly sworn, to locate the temporary seat of justice for said county, and make report thereof to said chief justice within fifteen days after they shall have been so appointed, and it shall be the duty of said chief justice to hold an election for all the officers of said county in conformity with the laws in such cases made and provided.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Altering the name of the county and town of Mina.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the name of the county and town of Mina be changed and altered to that of Bastrop, and shall be after the passage of this resolution known and called the county of Bastrop, and town of Bastrop.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Relative to Consulates.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the consular system of the United States of America, be, and is hereby adopted for the government of the consular agents of this republic, so far as its provisions may be suitable to the condition of Texas.

SEC. 2. Be it further resolved, That it shall be the duty of the secretary of state from time to time to furnish said consuls with such instruction as may become necessary, for the proper regulation of the commercial intercourse between this and foreign countries.

SEC. 3. Be it further resolved, That no consul of this republic shall be allowed to charge any fees for passports or certificates of characters or intentions.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the county of Mina.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all the territory included in the following boundary shall compose the county of Mina, to wit: Beginning at the north east corner of the proposed new county of Fayette, thence west with said county line, passing its north west corner to Austin's colony line, thence with the same to the corner of Milam's Colony, thence north to its north west corner, thence east to the Colorado, crossing the same and running the same direction, to the dividing ridge between the Brazos and Colorado rivers, to

the line between Austin's little colony, and Robertson's colony, thence south with said line to the place of beginning: the same shall be, and is hereby declared the boundaries of said county.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of M. A. Beremendi.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That Marcus A. Beremendi, a native of Texas, a minor, of about twenty years of age, be, and he is hereby authorized and empowered with the consent of his guardian to take possession of his patrimonial estate, and his acts in all respects shall be as legal and valid as though he were of lawful age; Provided, that the passage of this resolution shall not operate to make or cause a confirmation of his titles.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To provide for the publication of the Laws and Journals of the republic of Texas.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there be and is hereby appropriated the sum of six thousand

dollars of the promissory notes of this government to be expended in procuring the publication of the laws and congressional journals of the republic of Texas.

SEC. 2. Be it further enacted, That the secretary of state be and he is hereby required to contract immediately for the printing in pamphlet form two thousand copies of the acts and five hundred copies of the journals of the first and second congress that have not yet been printed and published for public distribution; and it shall be his duty so soon as the said laws and journals shall be printed to transmit by mail a copy of said laws and journals to each of the chief justices, members of congress, magistrates, clerks, sheriffs, coroners and constables of the several counties of this republic.

SEC. 3. Be it further enacted, That the secretary of state shall require the contractors to give security for the faithful performance of their contracts and that the second auditor, be, and he is hereby required to audit any drafts of the secretary of state for the purposes contemplated by this act; Provided, the whole amount shall not exceed six thousand dollars.

SEC. 4. Be it further enacted, That all other laws authorizing the printing of the acts and journals of congress, be, and the same is hereby repealed.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Making provisions for persons who have been permanently disabled in the service of Texas.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That Thomas William Ward, James C. Neill, James Belden, John Thoms, Washington Somers, and all others who have been permanently disabled by loss of eye, arm or limb, or such other bodily injury as by certificate of the board of land commissioners,

shews his incapacity for bodily labor, by wounds received in the service of Texas, be, and they are hereby declared to be entitled to one league of land each, as a testimony of the gratitude of this republic.

SEC. 2. And be it further enacted, That the lands hereby granted shall be included within that class of claimants to whom six months preference has been given.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Dugald Brown.

Resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be, and he is hereby directed to audit the claims of Dugald Brown, for the sum of seven hundred and seventy dollars.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Amending the Judiciary Laws of the Republic.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That in all cases of appeal to the supreme court the trial shall be, on the facts as agreed in or certified by the judge of the court below, and if the facts should not be stated in a manner sufficient-

ly full and clear to enable the supreme court to give its judgment, then and in that case the said court shall remand the said cause to the proper court in order that the facts may be fully and clearly established and set forth, and in all cases of appeal, either from the county court to the district courts, or from the district courts to the supreme court, the party appealing shall have the right to file the bonds required with the clerk of the court, to be approved by said clerk at any time within six days after the close of the terms. Provided, notice of the appeal be filed in court during the continuance of the terms.—See sec. 9, sup. ct. act., and sec. 15 dis. ct. act.)

SEC. 2. Be it further enacted, That in addition to the powers given to the district courts by the act establishing the powers and jurisdiction thereof, approved December twenty-second, one thousand eight hundred and thirty-six, the said district courts shall have power to hear and determine all suits or actions arising between husband and wife for divorce or for a separate maintenance, and may decree divorces as well from the bonds of matrimony as from bed and board, or for a separate maintenance.—See 4th dist. ct.)

SEC. 3. Be it further enacted, That a new trial shall be granted in any case known to the laws of this republic for good cause shown; but no more than one new trial shall be granted to either party in the same cause.—(See sec. 19, dict. ct. act.)

SEC. 4. Be it further enacted, That no amendment shall be permitted in any pleading or other proceedings in any cause after issue joined, except upon such conditions as the court shall in its discretion determine.—(See sec. 20, dis. ct. act.)

SEC. 5. Be it further enacted, That at the first session of any district court, and ever afterwards the grand and petit jurors shall be drawn in open court.—(See sec. 31, dist. ct. act.)

SEC. 6. Be it further enacted, That the forty-sixth section of the act establishing the powers and jurisdiction of the district courts be, and the same is hereby repealed.

SEC. 7. Be it further enacted, That nothing contained in the several acts establishing courts of justice, shall be so construed as to take away the right of either party, to an action to propose interrogations, to his adversary, to be answered on oath according to the laws heretofore existing.—(See sec. 41, act established 9th July last.)

SEC. 8. Be it further enacted, That the proviso in the twenty-second section of the act punishing crimes and misdemean-

ors, approved December 21st, 1836, be, and the same is hereby repealed.

SEC. 9. Be it further enacted, That in all criminal trials where the party accused shall not be convicted, or being convicted, shall not be able to pay the costs of prosecution the said costs shall be paid by the republic, and the certificates of the judges to a bill of such costs, shall be a sufficient voucher for the auditor to audit and allow the same; the provisions of this section, shall extend to all such cases as have heretofore occurred.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To provide for taking Testimony by Interrogatories.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That in all cases either in the district or county courts where a witness resides without the county where such suit may be pending, it shall and may be lawful for either party to file his or her interrogatories for such witness in the clerk's office where the suit may be pending, and serve the opposite, or his or her counsel of record with a true copy of such interrogatories, together with a notice, that application will be made to the clerk of said court for a commission to examine such witness, and it shall and may be lawful for the opposite party, or his or her attorney to file cross interrogatories to such witness.

SEC. 2. Be it further enacted, That at the expiration of five days from the service of such notice, with a copy of said interrogatories it shall be the duty of the clerk to issue a commission directed to two or more persons, directing them to cause the witness to come before them, and the answers to said interrogatories and cross interrogatories shall be plainly and distinctly written, sworn to and subscribed by the witness and also subscribed by the commissioners, who shall envelope the same,

directed to the clerk of the court from whence they issued, and the said commissioners shall seal the said packet and write their names as commissioners across the seals, which said packet may be sent by mail or by private hand; if sent by mail the postmaster shall endorse on the back thereof: Received from A. B., one of the commissioners, and if sent by hand the party delivering them into court, or to the clerk in vacation, shall make affidavit that he received the said packet from one of the commissioners, that the same has been in his possession ever since and has underwent no alteration, which package shall not be opened unless by leave of the court.

SEC. 3. Be it further enacted, That interrogatories thus taken and returned to the court, shall be read in evidence in all civil cases, and shall be as legal as if the witness was personally present and examined in open court, any law to the contrary notwithstanding.

SEC. 4. Be it further enacted, That the provisions of this act shall extend to justices courts, and all other tribunals established by law.

SEC. 5. Be it further enacted, That in all cases it shall be lawful to take the testimony of females in civil cases, in the same manner as herein prescribed, whether they be residents in the county or not.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 18, 1837.

SAM HOUSTON.

AN ACT

To authorize the Post Master General to establish a Post Route.

Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the post master general of this republic, be and he is hereby authorized and required, as soon as practicable to establish a mail route from Nacogdoches, by way the of Epperson's Ferry, on the Sulphur fork, to the seat of justice in Red River county, Jonesborough,

to the seat of justice in Fannin county, and that the mail carriers along said route be required to perform one trip in two weeks, and that the post master be authorized to establish such post offices on said route, as he may deem necessary and proper.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

For the relief of Maria Antonio de La Garza.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor is hereby authorized to audit the claim of Maria Antonio de La Garza, for cattle, as per certificates of Sylvanus Hatch, John J. Linn, and general T. J. Rusk, for sixty head of cattle; at ten dollars per head, six hundred dollars in military scrip.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of James Collinsworth.

Resolved, by the senate and house of representatives of the republic of Texas, in Congress assembled, That the treasurer be, and is hereby authorized to pay to James Collinsworth three thousand dollars, or so much as may remain due him, of that

amount, being for his services as commissioner to the United States, that being the salary established by a law of the consultation passed at San Felipe on the 8th Dec. A. D. 1835.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of C. C. Dewitt.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor is hereby authorized to audit the claims of Christopher C. Dewitt, for services rendered by him in the fall campaign, as per documents referred to the committee on claims and accounts, being for eighty seven dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

To translate the laws of the republic into the Castilian Language.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That in justice to that numerous portion of our fellow citizens who understand only the Spanish language, and who are consequently wholly ignorant of the most important laws to which their obedience is required,

the secretary of state shall be authorized to contract with some person properly qualified for the translation and compilation of such general and penal enactments as have been made by the former and present congress, that a sufficient number of copies of the same shall be printed and distributed in those counties where the population alluded to may reside, and that in future all general enactments shall as soon as practicable be translated into Castilian, and transmitted to the chief justices and justices of the peace of said caunties, who shall give all due publicity to said laws; provided, the expense shall not exceed three hundred dollars annually.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Widow Kitty McCoy.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor is authorized to audit the claim of widow Kitty McCoy as per vouchers of Byrd Lockhart and colonel William H. Patterson for beef and corn, valued at three hundred and seventy-eight dollars in military scrip.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of colonel John Forbes.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the first auditor is hereby authorized to audit the claim of colonel John Forbes, as per pay certificate of George W. Poe, paymaster, and approved by the honorable secretary of war, for two thousand and sixty eight dollars and fifty-two cents in military scrip.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Authorizing F. R. Lubbock to procure cisterns for the use of the Capitol.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That F. R. Lubbock is hereby authorized to contract for and cause to be erected at the state house in the town of Houston, a sufficient quantity of cisterns to contain ten thousand gallons of water, and the secretary of the treasury is authorized to pay to said Lubbock in promissory notes of the government an amount necessary for that purpose, provided such amount shall not exceed five hundred dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Francis W. Thornton.

Be it resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the first auditor be, and he is hereby authorized and required to audit the claims of Francis W. Thornton, to the amount of two hundred and three dollars, and give him military scrip for the same.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To authorize attachments to be issued in certain cases therein named.

Whereas many Mexicans residing upon our frontier stole and drove off large herds of cattle, and took and carried off other property belonging to citizens of this republic, and whereas those Mexicans have abandoned the country, and removed beyond the Rio Grande, so that persons from whom they have taken property are wholly without remedy:

SEC. 1. Be it therefore enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That in all cases it shall be lawful for any person, from whom property was wrongfully taken, to sue out an attachment upon filing an affidavit, stating to the best of his or her belief the value of such property, and that to the best of his or her belief the same was taken by the person against whom such attachment is prayed, and that the said party resides out of the jurisdiction of the court, so that an action cannot be prosecuted against them; which said attachment may be levied by the sheriff of the proper county, upon the property, both real and personal of the defendant.

SEC. 2. Be it further enacted, That upon the return of such attachment, the court shall proceed to the trial of such cause and judgment and execution as in other cases provided for by law.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Declaring certain children Legitimate, therein named.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That Elijah Sterling Black Robertson, son of Sterling C. Robertson and Fanny King, and James Macklin Robertson, son of Sterling C. Robertson and Rachael Smith, be, and are hereby declared legitimate children, and capable in law of inheriting their parents' property, in the same manner as if they had been born in lawful wedlock.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For appointing two legal gentlemen to compile a Judicial Code of Laws for the republic of Texas.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That William H. Jack and D. S. Kaufman, be, and they are hereby appoin-

ted compilers of the laws of the republic, whose duty it shall be to compile and report to congress at its next regular session a general systematic code of laws, for the future regulation and administration of justice in this republic, and that said compilers shall receive as a compensation for said services such sum as congress shall hereafter determine and allow upon the completion of the work.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To authorize the judges of the district courts to hold Special Terms in certain cases therein named.

Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That upon application made to any judge of the district courts, he shall be and he is hereby authorized to hold a special term of the district court for the trial of any criminal, under the same rules and regulations as are provided for by the judiciary laws.

SEC. 2. Be it further enacted, That any district judge of the republic be and he is hereby authorized and required to preside at such trial, upon information being given: provided, that this law shall not extend to any county wherein there may be a jail built by the county for the safe keeping of criminals.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Directing the auditor to respect the acts of G. W. Poe.

SEC. 1. Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor be and is hereby instructed to acknowledge all the official acts of G. W. Poe, while acting in capacity of paymaster general of the army, as well as of all other properly and legally appointed officers of this republic, except the issuing of land warrants.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of D. F. Weymouth.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts, is hereby required to audit the claims of colonel D. F. Weymouth, for three thousand eight hundred and eighty-six thirty-eight one hundredths dollars: provided, that the said Weymouth deposits in the office of the auditor a full statement of his claim against the government, and that he give bond with such security as may be satisfactory to the auditor of public accounts, as he the auditor may require, that the claims herein provided for in this bill, shall not come against the government again.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Authorizing persons to dispose of property by Will.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That legitimate descendants alone shall hereafter be considered forced heirs, and all persons having no legitimate descendants, are hereby authorized to dispose by will or otherwise of their estate: any law heretofore existing to the contrary notwithstanding.

SEC. 2. Be it further enacted, That in case any husband or wife shall die intestate, and leaving no heirs, the survivor shall be the heir and shall inherit the estate of the deceased spouse.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of the Family of Erastus Smith.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the sum of five hundred dollars per annum, is hereby appropriated for the purpose of being paid by the president, to the widow and family of Deaf Smith, until the said widow marries, or the courts of the country have confirmed their title to land and town lot heretofore granted by congress to said Erastus Smith, and the president is hereby authorized to draw upon the treasury for the above appropriation.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To create a Justice of the Peace, and Constable for Galveston Island.

Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That there shall be one justice of the peace and one constable elected for the Island of Galveston, whose duties shall be such as are prescribed by law for the regulation of all such officers in such cases made and provided.

SEC. 2. Be it further enacted, &c., That the chief justice for the county of Harrisburg be required to proceed and cause an election to be held immediately after the passage of this act, on the Island of Galveston, to elect one justice of the peace and one constable.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of John J. Linn.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the second auditor is hereby authorized to audit the claims of John J. Linn, for fourteen hundred and sixty-six dollars and two cents, upon his filing sufficient vouchers with the second auditor.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Granting lands to those who were in the battle of San Jacinto and other battles.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all persons who were actually engaged in the battle of San Jacinto on the twenty-first day of April, eighteen hundred and thirty-six, and all persons who were wounded on the twentieth of the same month, so as to prevent them from participating in the battle on the twenty-first day of April, eighteen hundred and thirty-six, and all persons who were detailed by special order of the commanding general to guard the baggage at the camp near Harrisburg, be, and they are hereby entitled to six hundred and forty acres of bounty land, on the following conditions, to wit: That each soldier claiming land under the provisions of this act, shall produce a certificate to the secretary of war, signed by the commandant of the company to which said soldier belonged, and countersigned by at least one field officer, accompanied by an affidavit by the person claiming land under the provisions of this act, that his claim is just, true and original, and that he has never presented a claim of a like nature for liquidation.

SEC. 2. And be it further enacted, That the secretary of war be authorized and required to issue a land warrant for six hundred and forty acres of bounty land to all persons presenting a certificate as is required in section first of this act.

SEC. 3. And be it further enacted, That the bounty warrants and also the patents issued thereon shall state on the face thereof for what said warrant or patent was granted.

SEC. 4. And be it further enacted, That the lands granted by this act shall not be subject to sale or alienation, mortgage or execution during the lifetime of the person to whom such warrant or patent shall be granted.

SEC. 5. And be it further enacted, That all commissioned officers coming under the provisions of this act, by producing a certificate signed by at least one superior officer, accompanied by an affidavit as is required in the first section of this act, shall be entitled to the benefits of this law, on the same conditions as is required in the fourth section of this act.

SEC. 6. And be it further enacted, That all persons who

entered Bexar from the morning of the fifth to the tenth of December, one thousand eight hundred and thirty-five, and who actually took part in the reduction of the same, also those who were in the action of the nineteenth of March, one thousand eight hundred and thirty six; under the commands of Colonels Fannin and Ward, also all those who fell at the Alamo under the command of Bowie and Travis, shall be entitled to the same quantum of land as specified in this bill, given to those engaged in the battle of San Jacinto, subject to the same rules, regulations and restrictions, and entitled to all its benefits: Provided, always, that any person who may have participated in both battles, shall only receive as a donation, one tract or parcel of land of six hundred and forty acres and no more.

SEC. 7. And be it further enacted, That the legal representatives of those who fell in the storming of Bexar be entitled to select and perfect titles for their benefit by themselves or agent, to six hundred and forty acres.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of John A. Wharton.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be instructed to pay to John A. Wharton, or his representatives five hundred dollars, in the promissory notes of this government, for services and expenses incurred by him in going to and from Matamoros.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of the county of Jefferson.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all that territory included in the following limits shall constitute and compose the county of Jefferson, to wit: Beginning on the Gulf of Mexico, from which a line drawn due north, shall strike Wolf Point, thence north to Big Sandy creek, thence down said creek to its entrance into the Neches river, thence due east to the Sabine river, thence down said river to the Gulf of Mexico, thence west along the Gulf of Mexico to the place of beginning.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Samuel Williams.

Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor of public accounts be, and is hereby directed to audit the accounts of Samuel Williams to the amount of five thousand two hundred and forty-eight dollars and twenty-eight cents, that being the amount of his claims, (that the committee to whom was referred his accounts and vouchers,) that it is considered to come under the class of accounts that should now be paid.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

AN ACT

To authorize the Clerks of the several courts to appoint deputies and requiring them to keep their offices at the county seat.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the clerks of the several county and district courts of this republic be authorized to appoint a deputy, to whom they shall administer an oath, faithfully to discharge the duties of their office, and they shall in all cases be responsible for the conduct of their deputies.

SEC. 2. Be it further enacted, That hereafter the clerks of the county and district courts of this republic, be, and they are hereby compelled to keep all papers pertaining to their offices at the county seats of each and every county, and be ready either by deputy or in person to attend to the business of their office from ten o'clock A. M. to four o'clock P. M.

SEC. 3. Be it further enacted, That any clerk or clerks who shall fail within thirty days hereafter to keep their office at the place in the manner as specified in the foregoing section, shall forfeit and pay to the republic twenty dollars for each day they shall so neglect the provisions of said section, to be sued for and recovered before any justice of the peace of the proper county, at the instance of any person interested.

S. H. EVERITT,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to an act to incorporate the Colorado Navigation Company.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That when said chartered company have completed their work as

contemplated by their charter, shall before assessing or receiving tolls, announce the completion of their work to congress and congress shall then immediately proceed to appoint three commissioners to examine the work, and also proceed to ascertain the amount of expense necessarily incurred, and said commissioners shall allow of no account for expenditures unless the necessary vouchers are produced.

SEC. 2. Be it further enacted, That when the commissioners have reported, congress shall determine whether or not it will purchase or annul said charter in accordance with its provisions, by paying the principal expended with ten per cent interest thereon; Provided, said determination not to purchase, or annul on the part of congress shall not preclude them from the right of purchasing at any future time, but if congress shall not agree to purchase or annul as above, then said commissioners shall in conjunction with three of the board of directors of said chartered company proceed to assess the rate of tolls, which said assessment shall take place on the first day of January in like manner as above.

SEC. 3. Be it further enacted, that if the said chartered company shall complete their work during the recess of congress, shall communicate the facts to the president, who shall appoint three commissioners, whose duty it shall be with three directors to fix the rate of tolls until the next session of congress, and if said commissioners and directors cannot agree they shall choose an umpire, whose decision shall be binding.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 27, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to an act to raise Public Revenue by direct Taxation.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That from and after the passage of this act, that the clerks of the sev-

eral county courts, shall be, and are hereby authorized and required to issue licenses to all retailers, pedlars, &c., and receive the duties of the government for the same, as is required by this act in accordance with the above recited act.

SEC. 2. Be it further enacted, &c. That the sheriffs of the several counties of this republic, be, and are hereby authorized and required immediately after the first of day of January next, and in each succeeding year to proceed to collect the taxes, and dues to the government, by advertising at the several precincts or places for holding elections at least fifteen days, on which day the sheriff or a qualified deputy shall attend agreeably to this advertisement for the purpose of collecting taxes to be raised by virtue of this act.

SEC. 3. Be it further enacted, That on the failure of any person or persons to attend and punctually pay the amount of taxes that may be due the government, then and in that case, the sheriff shall proceed and take an execution (to be issued by any justice of the peace for said county,) against the goods and property of said delinquent or delinquents, and proceed to sell so much of the same as will satisfy debts and costs.

SEC. 4. Be it further enacted, That it shall be the duty of the several clerks and sheriffs of the several counties to report to the secretary of the treasury on or before the first day of September in each year, and pay over the amount of public monies that may have come into their hands into the treasury of the republic.

SEC. 5. Be it further enacted, That the several clerks and sheriffs of the several counties shall be allowed five per cent. in all monies that may be collected or received by them, and that each and every applicant for license for retailing &c. shall pay to the clerk as his fee the sum of one dollar.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of F. W. Thornton.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor be, and he is hereby authorized and required to pay to Francis W. Thornton, in the promissory notes of this government, the amount of a draft drawn in his favor for the purchase of provisions for the army in 1836, for the sum of one thousand seven hundred and twenty-two dollars and twenty-two cents, upon the said Thornton presenting the aforesaid draft.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

For the relief of H. C. Hudson.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be, and he is hereby authorized to audit the claim of H. C. Hudson, for three hundred dollars, for services to the government in arranging the books, papers and acts of the consultation, council and provisional government, in which he was occupied three months and
——— days.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

AN ACT

For the relief of Stilman S. Curtis.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor of accounts, be, and he is hereby authorized and required to audit the claims of Stilman S. Curtis, for horses and other property lost in the service of Texas, in the winter and spring of 1836; provided the whole amount shall not exceed three hundred and thirty-eight dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Providing for the purchase of Provisions and Munitions of War.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That twenty-five thousand dollars of the one hundred thousand dollars appropriated in an act passed the ninth of June 1837, for the equipment and support of a corps of rangers, is hereby appropriated for the purpose of purchasing provisions and munitions of war, and the secretary of war is hereby authorized to draw upon the treasury for that amount, for the above specified purpose: and he is hereby instructed to lose no time in purchasing the requisite munitions and provisions.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

Respecting county Surveyors.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That whenever it shall so happen that the amount of surveying to be done (in any one county) is not more than can be performed by one surveyor, which fact shall be determined by the board of land commissioners, then and in that case the county surveyor for said county, shall be allowed to perform the duties of a practical surveyor, and perform all the duties as required of the deputy surveyors to be appointed under a provision of an act to establish a general land office.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the auditor to audit the claim of Thomas G. McGee.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor be, and he is hereby required to audit the accounts of Thomas G. McGee, for a stud horse, and allow him therefor such sum as he shall show by the affidavit of two or more disinterested persons, the said horse was worth at the time he was pressed into service; provided, the amount does not exceed two hundred dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of A. R. Bodman.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be required to audit the account of A. R. Bodman for services rendered as clerk to the executive and in the state department of the government ad interim, allowing him such pay as is allowed to other clerks for similar services.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

AN ACT

To incorporate the City of Houston and other towns therein named.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of the City of Houston, and the towns of Washington, Crockett and Refugio, be incorporated under, and entitled to all the privileges and benefits of the act granting a charter of incorporation to the town of Brazoria, passed at the extra session of this congress.

JOSEPH ROWE,
Speaker of the house of representatives.
MIRABEAU B. LAMAR,
President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

Incorporating the town of Columbia.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the town of Columbia is hereby incorporated with all the powers and privileges which have been extended to Brazoria, in the act by which said town has been incorporated, and that the limits of said town shall embrace what was generally known as the town of Marion.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

AN ACT

To create the county of Fort Bend.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be laid off on the Brazos river, a new county to be called the county of Fort Bend, which shall include all the territory within the following limits viz: Beginning on the east side of the Brazos river at the upper corner of a league of land granted to Francis Biggam, on which said Biggam now lives; thence east with the north boundary of said league to its north east corner, continuing on the Harrisburg and Brazoria county line; three leagues from thence to the head of Bray's Bayou, where stands a low elm; thence running from the head of Bray's Bayou to a point on Buffalo bayou where the present county line, running from Jesse H. Cartwright's league, crosses the bayou; thence northwardly to the southeast corner of Ful-shear's league of land on the Brazos river; thence west with the south boundary of said league to said river; thence crossing said

river, and following its western bank to the mouth of sixteen mile creek; thence up said creek to its source; thence in a southwardly direction to the southeast corner of G. Coles land; thence westwardly with said Coles lower line, to the San Bernard; thence down said stream to the southwest corner of league No. 8; thence with the lower line of said league to the southeast corner; thence in a direct line to the south prong of Cow bayou; thence down said bayou to its mouth; thence crossing the Brazos, and up said river to the place of beginning.

SEC. 2. Be it further enacted, That the said county shall be organized in conformity with an "act organizing the inferior courts, and defining the jurisdiction of the same," and the county courts of said county shall be held on the second Monday in January, April, July and October, in each year.

SEC. 3. Be it further enacted, That the said county shall be included in, and shall form a part of the third judicial district, and the district court of said county shall be holden on the last Mondays in February and August of each year.

SEC. 4. Be it further enacted, That it shall be the duty of the chief justice so soon as he shall receive a notice of his appointment, to proceed to give notice, and hold an election in the town of Richmond, for the permanent location of the seat of justice of said county, and he shall make a return of the result of said election to the secretary of state.

SEC. 5. Be it further enacted, That said county shall be entitled to one representative in congress, and the county of Fort Bend and Austin shall form one senatorial district, and be entitled to one senator.

SEC. 6. Be it further enacted, That all suits which are now existing by or against any of the citizens of the county of Fort Bend, shall be continued and concluded in the county in which they originated, in the same manner as if no division of the counties had been made.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

AN ACT

To regulate the proceedings of the several Courts in certain cases.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That where judgments have been heretofore obtained before any alcalde or primary judge, and returned as required by law to any of the courts of this republic, it shall be the duty of said court on the application of the plaintiff to issue a scieri facias or other notice, summoning the defendant to appear and show cause why execution should not be issued, but no execution shall be issued upon any such judgment, until a scieri facias or other notice shall have been issued and served in the usual way, upon the defendant or defendants.

SEC. 2. Be it further enacted, That all suits brought in any of the district or county courts of this republic, either by original process or otherwise, shall be tried at the first term, unless good causes be shown for continuance.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

JOINT RESOLUTION,

Supplementary to a resolution for the relief of Samuel Williams.

Resolved, by the senate and house of representatives of the republic Texas, in congress assembled, That the amount authorized by a joint resolution, to be paid to Samuel Williams, be paid in the promissory notes; of this government, as intended, though not clearly expressed in the resolution alluded to.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

AN ACT

Defining the boundaries of the county of Jackson.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That from and immediately after the passage of this act, the following shall be the lines of the county of Jackson, to wit: Commencing on the Bay, at a place called the divide between the Trespalacios and Carrancahua creeks, running thence north twenty-nine degrees to a corner, thence north twelve degrees east to the line of Colorado county; thence south eighty-two degrees west, to the mouth of Smither's creek, on the Lavacca, thence down the Lavacca, (to the lower corner of Kent's league of land; thence six miles with the line of Gonzales county, from thence a direct line to the Bay at the mouth of the ———) thence with the middle of the Bay to a point opposite the beginning.

SEC. 2. Be it further enacted, That the territory included within the aforesaid lines shall be, and the same is hereby declared to be the county of Jackson.

SEC. 3. And be it further enacted, That there shall be an election held at the houses of John McHenry and Philip Demit's on the first Monday of January next, to be presided by such persons as the voters may appoint at which election, the question shall be upon the annexation of a part of Victoria county to the county of Jackson, and the votes shall be confined to that portion of the county six miles west of the Lavacca river, and should a majority of the voters be in favor of being attached to Jackson county, it shall be so done, if a majority be in favor of remaining in Victoria, the line shall remain as it now is.

JOSEPH ROWE,
Speaker of the house of representatives.
S. H. EVERITT,
President pro tem. of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

To incorporate certain towns therein named.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the citizens of the towns of Clarksville in the county of Red River, and the citizens of the town of Lexington in the county of Fannin, and the towns of Milam, Houston, Goliad, San Patricio and Jonesborough, be, and they are hereby incorporated, and shall respectively have and enjoy all the privileges which have been granted to the town of Brazoria.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

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