

L A W S

OF THE

REPUBLIC OF TEXAS

VOLUME THIRD.

BY ORDER OF THE SECRETARY OF STATE.

HOUSTON.
1838

LAWS OF THE REPUBLIC OF TEXAS.

AN ACT

Securing the right of Appeal.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in the suits authorized to be commenced by Empresarios, under the 27th section of the Land Law, against the President of the Republic, the defendant shall have the right to appeal without giving the bond and security required of appellants.

SEC. 2. Be it further enacted, That in all cases where the Republic is concerned as a party, either in her own name, or the name of her officers, an appeal may be taken in her behalf without bond or security.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.
SAM. HOUSTON.

Approved, May 3, 1838.

AN ACT

To repeal a part of an Act incorporating the town of Gonzales.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,— That so much of an act incorporating the city of San Antonio and other towns therein named, passed at the last session of Congress, as relates to the town of Gonzales, which requires the clerk to possess a competent know-

ledge of the Castilian Language, and requiring the members to consist of eight Aldermen is hereby repealed;—and the members of the Corporation of Gonzales shall consist of four Aldermen in lieu of eight.

SEC. 2. Be it further enacted, That the Chief Justice of the county of Gonzales, immediately after the passage of the act, shall be authorised and required to issue writs of an election to fill the offices of the above recited act for the fraction of the present year.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 3, 1838.

SAM. HOUSTON.

AN ACT

Supplementary to an Act creating the County of Fayette.

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 south western boundary of the county of Fayette shall be, and is hereby established as follows, viz: beginning at the north east corner of a league of land granted to J. Morris on the head of the La Bacca river; thence, northwestwardly to the north east corner of a quarter of a league of land granted to Stiffler: provided, that nothing herein contained shall affect any rights of location made in conformity to the acts defining the boundaries of Gonzales and Fayette.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 3, 1838.

SAM. HOUSTON.

AN ACT

Providing for the removal of County Seats of Justice.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a

majority of two-thirds of the votes of the qualified voters of a county shall be required to remove the seat of justice in any of the counties of this Republic that now are or hereafter may be established; provided, however, that if in any county the seat of justice should be established at a greater distance than five miles from the centre of said county; a majority of all the votes shall be sufficient for its removal, provided such removal shall be within the limits of five miles from the centre of said county.

SEC. 2. Be it further enacted, That when, in the opinion of the chief Justice of any county, the necessary number of inhabitants apply by petition or otherwise for a removal of the seat of justice, it shall be the duty of said chief justice to order an election for that purpose giving due notice thereof, which election shall be held at the same places, and conducted in the same manner as elections for members of Congress, and the result of said election shall establish the seat of justice, in accordance with the provisions of the first section of this act.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 9, 1838.

SAM. HOUSTON.

A BILL

To repeal a certain Act therein named.
(An Act to prohibit the bonding of duties.)

Whereas, the fifth section of an act, entitled an act to raise a public Revenue by Impost Duties, authorizes the importer, factor or consignee, to give bond for the payment of the duties on their importations, in instalments according to the amount of duties; which act was approved on the twelfth day of June, 1837.

SEC. 1. Be it therefore enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of June next, so much of the aforesaid act as relates to the bonding of duties as aforesaid, shall be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That it shall be the duty of the Collectors of the different Ports in this Republic,

where any articles subject to duty may be imported, to hold the same in his custody until the duties are paid, according to the true intent and meaning of this act.

SEC. 3. Be it further enacted, That the Secretary of the Treasury be, and he is hereby required to give publicity to this act as soon as practicable, and that the different Collectors of this Republic be informed through the proper channel, of the existence of this law as soon as practicable; and in case of neglect to pay the duties by the importer, within ten days, the Collector shall proceed to sell the goods at auction, or a sufficient amount thereof to pay the duties, after giving ten days' notice of such sale, and shall sell accordingly, unless payment be made.

SEC. 4. Be it further enacted, That it shall not be lawful for any Collector of the Customs to receive, either directly or indirectly, in payment of duties, any monies except the Promissory Notes of the Government, or gold and silver; and any person offending against the provisions of this act shall be dismissed from office, and upon conviction fined in a sum not less than one thousand nor more than five thousand dollars for each offence.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 9, 1838.

SAM. HOUSTON.

JOINT RESOLUTION,

Authorising the President and Commissioner of the General Land Office to issue titles to purchasers of Lots on Galveston Island.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic and the Commissioner of the General Land Office are hereby authorized and required to issue titles to purchasers of lots on Galveston Island; provided that the said purchasers shall deliver to the Commissioner a certificate of purchase, with a receipt

for the payment of the purchase money in full, from the Secretary of the Treasury.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 9, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of John F. Kemper.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor of Public Accounts be authorized and required to audit the account of John F. Kemper, as armourer for the term of eight months and twenty-four days, agreeably to law in such cases made and provided.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 10, 1838.

SAM. HOUSTON.

A BILL

To create and define the Senatorial District of Austin, Colorado and Fort Bend.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the counties of Austin, Colorado and Fort Bend shall be, and constitute a senatorial district.

SEC. 2. Be it further enacted, That the Chief Justice of the county of Austin shall be the returning officer of said senatorial district.

SEC. 3. Be it further enacted, That all laws or parts of laws conflicting with this act be, and the same are hereby repealed.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 10, 1838.

SAM. HOUSTON.

AN ACT

Repealing the 37th section of an act organizing Inferior Courts.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the thirty-seventh section of an act entitled an act organizing the Inferior courts, and defining the powers and jurisdiction of the same, as requires recording before the first of April, eighteen hundred and thirty-eight, approved twentieth December, eighteen hundred and thirty-six, be, and the same is hereby repealed.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 10, 1838.

SAM. HOUSTON.

AN ACT

To incorporate the Caney 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 “Caney Navigation Company,” with a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of clearing out a channel and making navigable for steamboats, or other craft, the creek or river Caney, and for connecting the said creek or river by canals or other means of intercommunication with the head of Matagorda Bay, Cedar Lake, and with the Colorado river, and for deepening the channel at the mouth of said creek or river.

SEC. 2. And be it further enacted, That books shall be opened on the first Monday of July next to receive subscriptions to the capital stock of said company at the following places, to wit: at the towns of Matagorda and Manhattan, and at the house of R. H. Williams, on Caney, under the superintendence of three commissioners at each place, viz: at the town of Matagorda, Silas Dinsmore, John Duncan, and S. Mussina; at the town of Manhattan, J. E. Fields, E. R. Weightman, and

Thomas Cayce; and at the house of R. H. Williams, T. Jamison, R. H. Williams, and Wm. H. Jack.

SEC. 3. And 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 "Caney Navigation Company," with similar powers and privileges, and subject to similar rules and regulations as are given and prescribed to the Colorado Navigation Company, by an act entitled "an act to incorporate the Colorado Navigation Company," approved December fourteenth, eighteen hundred and thirty-seven: provided, that the town of Manhattan, at the mouth of Caney shall be substituted in this act for the town of Matagorda in the act above referred to, in all instances where it occurs in said act, except in the one referred to in the second section of this act.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 11, 1838.

SAM. HOUSTON.

RESOLUTION,

For repairing the President's House, and purchasing Furniture.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of three thousand dollars of the Promissory Notes of this Government be, and the same is hereby appropriated to complete and repairs and purchase furniture for the President's House; and that the said sum be expended under the direction of his Excellency.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 11, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

Supplementary to a joint resolution, for the relief of John J. Linn, approved December 18th, 1837.

Resolved by the Senate and House of Representatives of the

Republic of Texas in Congress assembled, That the amount authorized to be paid to John J. Linn, by a joint resolution, approved December the eighteenth eighteen hundred and thirty-seven, be paid to him in Promissory Notes of this Government.

JOSEPH ROWE,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

AN ACT

Authorizing the President to appoint Notaries Public.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be appointed for the county where the Seat of Government is or shall be located two Notaries Public in addition to the Chief Justice of said county; and also, one additional Notary in each county of the Republic; which appointments shall be made by the President, by and with the advice and consent of the Senate.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

AN ACT

To authorise the President to raise a Corps of Cavalry.

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 raise a Corps of Regular Cavalry, not exceeding two hundred and eighty, rank and file, to be enlisted for a term of not less than one, nor more than three years, as he may deem suitable, for the purpose of protecting the Southwestern Frontier.

SEC. 2. Be it further enacted. That said Corps shall, at no time, be quartered within fifteen miles of any town.

SEC. 3. Be it further enacted, That for the purpose of

enabling the President to carry this act into effect, the sum of fifty thousand dollars of the promissory Notes of the Government be, and the same is hereby appropriated, to be paid out of the first monies that may be paid into the Treasury.

JOSEPH ROWE,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

AN ACT

To provide for the foreclosing of Mortgages on Real and Personal Estates.

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 method of foreclosing mortgages on land shall be as follows: any person entitled to foreclose a mortgage on land, or his or their attorney shall petition the district court of the county where such land or a part thereof is situated, stating the case, and the amount of his or her demand, describing the property mortgaged, and the court shall grant a rule, that the principal, interest and costs, shall be paid into the court on or before the first day of the next succeeding term of such court, which rule shall be served upon the defendant at least ninety days before the time of payment, if the party defendant be a resident of the Republic; if not, it shall be published at least one month in some public Gazette, unless the principal, interests, and costs be paid, the court shall proceed to give judgment for the amount which may be due on such mortgage, and order the property mortgaged to be sold to the highest and best bidder, after the same shall have been advertised thirty days in some public Gazette, and the money paid over to the mortgagee or his attorney; but when there shall be any surplus, the same shall be paid over to the mortgager or his agent, and in case of any dispute as to the amount due on any mortgage, if the mortgager shall appear at any time within the time prescribed in this act, before judgment shall be given, and

make affidavit of such facts, the court shall order a trial of the facts before a jury as in other cases.

SEC. 2. And be it further enacted, That all mortgages on negroes and other personal property shall be foreclosed in the following manner: Any person or persons holding a mortgage on personal property, and wishing to foreclose the same, shall make application to the chief justice of the county, and make affidavit before him of the amount of principal and interest due thereon, which affidavit shall be annexed to such mortgage, and thereupon, the clerk of the county court shall issue execution as in cases of judgment, which execution being delivered to the sheriff shall be levied upon the mortgaged property, and after being advertised for at least sixty days in some public Gazette, shall be set up and sold to the highest bidder; provided always, that if any disputes should arise as to the amount due on such mortgage, the chief justice of the county court shall order the sale to be postponed upon the defendant's entering into bond and security in double the amount of the mortgage, for the delivery to the sheriff of the property so levied upon; and the same shall be returned to, and triable at the next term of the court, as in other cases.

SEC. 3. And be it further enacted, That all mortgages upon real estate shall, upon the usual proof, be recorded in the county where the land is situated, within ninety days from the passage of this act, or from the date of the execution of such mortgage; and upon personal property in the county where the mortgager lives. No mortgage shall take lien upon property mortgaged unless so recorded.

JOSEPH ROWE,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

AN ACT

Establishing the county of Galveston.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a new county to be called the county of Galveston be, and the same is hereby established within the fol-

lowing limits, viz: Embracing the entire Island of Galveston, and the waters and Islands of the Bay adjacent thereto, including Deer Islands and that of San Luis, together with parts of the main land of Brazoria and Liberty Counties nearest the Bay aforesaid; beginning at the mouth of Highland Bayou, and running up the same to its source; thence due north to the present line between the counties of Harrisburg and Brazoria; thence east with said line to the mouth of Clear Creek; thence with the Bay of Galveston to Davis's Point, (or Red Fish Bar); thence with Red Fish Bar across the bay to Potter's Point; thence along the margin of East Bay, including the same to the western boundary of Zavala's Colony; thence due south to the Gulf of Mexico; thence with the coast of the Gulf to the beginning.

SEC. 2. Be it further enacted, That the seat of justice for the said county of Galveston shall be fixed at the city of Galveston until otherwise directed according to law.

SEC. 3. Be it further enacted, That the chief justice for said county shall at some early day, order an election to be held at the city of Galveston for choosing the several officers required in organizing a new county.

SEC. 4. Be it further enacted, That the said county of Galveston shall be attached to and form part of the senatorial district of Harrisburg and Liberty, and to the second judicial district. The District Courts for said county shall be held on the last Mondays in April and October of each year, and the County Courts of said county shall be held on the third Mondays in January, April, July and October of each year.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

AN ACT

Authorizing the payment of the Interest of the Funded Debt.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,

That the Secretary of the Treasury be, and he is hereby required to pay the interest accruing on the Funded Debt, at the time it is made payable by law, and a sufficient amount of the Promissory Notes of the Government to meet the object, is hereby appropriated for that special purpose.

SEC. 2. Be it further enacted, That the Secretary of the Treasury be, and he is hereby required to pay the interest on all other debts against the Government, which by law bear interest; and that the same be paid semi-annually in the promissory notes of the Government, a sufficient amount of which is hereby specially appropriated for that purpose.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 16, 1838.

SAM. HOUSTON.

AN ACT

To authorize the President to negotiate a loan on the bonds of the Government, not exceeding five millions of dollars.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic, for the purpose of effecting a loan, be, and he is hereby authorized to issue bonds in the name of the Republic for such sums as may suit the purchasers thereof, to an amount not exceeding in the whole, five millions of dollars; which bonds the President may authorize the commissioners of the loan hereafter to be created, to sign and deliver, in any language required, after being duly countersigned by the minister or other diplomatic agent of Texas, resident at Washington, London or Paris, the same to be made payable to bearer, bearing an interest on the face thereof at a rate not exceeding ten per cent. per annum, and to be paid to the holders thereof, at such time and place, and in such currency as may be agreed on, and stipulated therein, to be made redeemable in thirty years from the day

of date, unless the commissioners shall think it proper and necessary; and for that object they shall have the power to negotiate two millions of the said amount of five millions, redeemable in a less time than thirty years, but not for a shorter period than five years. And the said commissioners shall have power to agree and stipulate in said bonds that the holder or holders thereof may, at any time they may choose, surrender the same, and in lieu of principal and interest due thereon, receive any of the public lands at the minimum prices fixed by the Government at the time for the sale of their vacant lands; or if said lands are sold at auction, any of the said holders shall be allowed to bid and pay the amount of their bids, with any of said bonds in like manner as they are permitted to do at the fixed prices as above mentioned.

SEC. 2. Be it further enacted, That the said commissioners shall have power to negotiate and sell such bonds for the notes of any bank or banks whose paper shall be at par with the best bank paper in the city of New York or Philadelphia; and the said commissioners shall have power to stipulate that the notes of any such bank or banks purchasing such bonds to the amount of one hundred thousand dollars or more, shall be received in payment of all public dues, so long as said bank or banks shall, in the judgment of the Government of Texas, be of good character and worthy of confidence.

SEC. 3. Be it further enacted, That the President shall, by and with the advice and consent of the Senate, appoint two commissioners, who shall have power either within the United States or Europe to carry out the purposes and fulfil the objects of this act in the manner specified therein, and shall be subject from time to time to such instructions as the President may communicate to them through the Secretary of the Treasury.

SEC. 4. Be it further enacted, That in case of the death or resignation of either or both of said commissioners during the recess of Congress, the President is hereby fully authorized to fill such vacancy or vacancies, until the meeting of the next Congress.

SEC. 5. Be it further enacted, That it shall be the duty of said commissioners to contract with the Bank of the

United States of Pennsylvania (if practicable,) if not, with the Manhattan Bank of New York, or the Union Bank of Louisiana, to act for the Government of this Republic as fiscal agents in the United States in all matters relative to the loan authorized by this act, for all operations within the state in which such bank may be located, and by its agents in other states of the United States of America—also in Europe; and when the said commissioners shall contract any loan or sale of any bonds authorized by this act, it shall be their duty to deposite in the said bank, or with its agency, nearest the place with the knowledge and approbation of said bank by its President and Directory, the amount of bonds corresponding with the amount of loan contracted for, or bonds sold, which bonds shall be issued by such bank or its agencies to the contractors or purchasers on the payment into the bank or its agencies, to the credit of this Republic, the amount of money contracted to be loaned, or paid therefor, on which payment to the credit of this republic, the bank, or its cashier, or the agency thereof, shall issue to the interested party or parties the bonds or scrip for instalments thereon to the amount so paid in conformity with the contract and not otherwise; and all such money shall be held by such bank subject to the draft of the President of this Republic, countersigned by the Secretary of the Treasury; and the said bank or its agencies shall notify the Secretary forthwith of all deposites made to the credit of this Government, and the said commissioners shall correspond with the Secretary of the Treasury, and inform him of all transactions done by authority of this act.

SEC. 6. Be it further enacted, That it shall be the duty of the Secretary of the Treasury to lay before each and every congress, early in every session, a full statement of all the sales of bonds that may have been effected, showing the terms and conditions of the same, the expenses accruing thereon, and what dispositions have been made of the proceeds of the same.

SEC. 7. Be it further enacted, That for the punctual payment of the interest, and final redemption of said bonds, the public faith is hereby solemnly pledged.

SEC. 8. Be it further enacted, That all acts and parts of

acts coming within the purview of this act shall be, and the same are hereby repealed.

JOSEPH ROWE,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, May 16, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

Appropriating Five Hundred Dollars for purchasing a set of
Astronomical Instruments.

Resolved 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 out of the Promissory Notes of the Government of Texas, to be expended under the direction of the Secretary of State, for the purpose of purchasing a set of Astronomical Instruments for the use of the Republic.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 17, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

Relative to the Claims of Officers and Soldiers of the Army.

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 and required to audit the claims of officers and soldiers, according to the rates heretofore allowed by him.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

AN ACT

Providing for the location of Land Scrip issued by an Act of Congress, dated the 6th day of December, 1836, and for redeeming the same.

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 first Thursday of August next, all deputy surveyors be, and they are hereby authorized and directed, upon the application of any holder or holders of Land Scrip under the before recited act, to survey at the expense of this Government, a sufficient quantity of the vacant land of the public domain within their respective sections, when said vacant lands shall be pointed out to them, to satisfy such legal claims of all holders of Land Scrip sold by this Government agreeably to law in all respects.

SEC. 2. Be it further enacted, That it shall be the duty of such deputy surveyors to make returns of all such surveys to the county surveyor of his respective county.

SEC. 3. Be it further enacted, That the Secretary of the Treasury be, and he is hereby authorized and required to pay, after the same shall be audited, the drafts of the respective county surveyors for such work of his deputies, at the rate of three dollars per lineal English mile actually run, as well as three dollars for examination and returning said surveys by the county surveyor.

SEC. 4. Be it further enacted, That hereafter it shall and may be lawful for the bona fide holder of any land scrip, to present the same to the Commissioner for funding the public debt, which said Commissioner shall fund the same at the rate of fifty cents per acre and grant certificates of stock therefor.

SEC. 5. And be it further enacted, That the thirty-seventh section of the present Land Law be, and the same is hereby repealed.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

AN ACT

For the relief of persons therein named.

SEC. 1. Be it enacted 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 accounts of John H. Miller, for eighty dollars;—of Daniel Tyler for sixty-three dollars;—of O. B. Hardeman for two hundred dollars;—of Wm. Lancy for thirty dollars per month for the time he served as cook to the hospital, according to the vouchers.

SEC. 2. Be it further enacted, That the Auditor be, and he is hereby authorized and required to audit the claim of George C. Childress for the sum of one thousand dollars, with interest from the twenieth of March, eighteen hundred and thirty-six, at eight per cent. per annum.

SEC. 3. Be it further enacted, That the said Auditor be, and he is hereby authorized and required to audit the claim of one hundred and fifty dollars in favor of M. A. Bingham, a draft drawn in favor of Isom Parmer, on the sixth of March, eighteen hundred and thirty-six; also, of S. Booker, for two hundred dollars, for a gray mare, valued at that price, lost in the service.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

AN ACT

To provide for settlement of deceased soldiers' estates.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,—That all persons who have, or may hereafter administer upon the estate of deceased soldiers or officers shall, before the auditor is allowed to audit the claims, or the Secretary of War, or board of Land Commissioners, of any county, be authorized to grant bounty warrants, or land certificates, enter into bond with approved security as the court may direct, for the faithful performance of the duties of such administration; a copy of which bond

and all the proceedings in such cause duly certified under the hand and seal of the chief justice of such county, shall be returned to the Secretary of War.

SEC. 2. Be it further enacted, That hereafter no letters of administration shall be granted, nor any further action be had under those that have already been granted, until publication of such application for letters, or the existence of such letters of administration shall have been made at least sixty days in one of the public Gazettes, published at the Seat of Government.

SEC. 3. Be it further enacted, That no sale of any of the effects of any deceased soldier or officer shall be made, unless by order of the court granting letters of administration, approved by the Secretary of War, and published in some newspaper sixty days, and all sales made contrary to the provisions of this section, (unless by heirs of full age) shall be entirely null and void.

SEC. 4. Be it further enacted, That it shall be the duty of all administrators on the estate of deceased soldiers, to return to the court granting letters, within ninety days, an inventory of all the effects of such deceased soldier, and annually at the probate court in January in each year, to make return of all his proceedings, unless by special leave of the Court, longer time be granted; a copy of which said inventory and returns shall be immediately transmitted to the Secretary of War.

SEC. 5. Be it further enacted, That it shall be the duty of the Secretary of War once in every three months, to publish in some public Gazette, the names of all administrators, (and on whose estate) that may be returned to him.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

AN ACT

Supplementary to "an Act to raise a Public 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 the powers and duties of the Collectors of the revenue by impost duties, and other officers concerned in the collection of the same, and the liabilities of the masters and owners of vessels with their cargoes, and the shippers or consignees thereof, are hereby declared to be the same as established by law in the United States of America, and practised in the collection of their impost duties on the 12th day of June, A. D. 1837.

SEC. 2. Be it further enacted, That the same penalties, disabilities and forfeitures, and the like remedies for infractions of the revenue laws of this Republic shall obtain and be issued, as were established and in use in the said United States on the twelfth day of June, A. D. 1837.

JOSEPH ROWE,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate,

Approved, May 18, 1838.

SAM. HOUSTON.

RESOLUTION

For the benefit of Sidney Sherman.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sidney Sherman be, and he is hereby allowed the sum of three thousand nine hundred and seventy-three dollars and seventeen cents, for services rendered the government, and money expended for the same; the amount to be paid in the Promissory Notes of the government, and that the Auditor be, and he is hereby required to audit his accounts to that amount.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Vetoed by the President and passed by a constitutional majority of the House of Representatives, May 17, A. D. 1838.

JOSEPH ROWE,

Speaker of the House of Representatives.

Vetoed by the President, reconsidered, and passed by a unanimous vote of the Senate, May 19, 1838.

MIRABEAU B. LAMAR,
President of the Senate.

AN ACT

To authorise the President to re-issue the Promissory Notes of the Government as they return into the Treasury, and making special appropriations.

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 have re-issued, and continue to have re-issued the Promissory Notes of the Government as they return into the Treasury, until the appropriations hereafter specified in this act shall be met and discharged; as also all other special appropriations which have been, or may be made by this congress.

SEC. 2. Be it further enacted, That the amount of one hundred and fifty thousand dollars of the Promissory Notes of the Government be, and the same is hereby especially appropriated for the payment of the civil list claims against the Government.

SEC. 3. Be it further enacted, That the amount of two hundred thousand dollars of the Promissory Notes of the Government be, and the same is hereby especially appropriated for the payment of military claims against the Government, for personal services rendered: Provided, the claims are in the hands of the original holders, or their heirs.

SEC. 4. Be it further enacted, That the amount of one hundred thousand dollars of the Promissory Notes of the Government be, and the same is hereby especially appropriated for the payment of the naval claims against the Government, for personal services: Provided, the claims are in the hands of the original holders, or their heirs.

SEC. 5. Be it further enacted, That the holder or holders of any claims contemplated in the third and fourth sections of this act shall, before the payment thereof, be required to take the oath specified in the act entitled “an

act to pay the officers and soldiers of the Army and Navy," approved December 14, 1837, which oath may be taken before any person duly authorized to administer an oath.

SEC. 6. Be it further enacted, That if, in the opinion of the President, the situation of the Republic shall be such as to require a greater issue of the Promissory Notes of this Government than has already been issued, he is hereby authorized to increase the amount of issues to an amount not exceeding one million of dollars.

SEC. 7. Be it further enacted, That it shall be the duty of the Treasurer to publish monthly extracts from his books, showing the amounts received and the amounts paid out, stating specially to whom paid, and on what claims.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

RESOLUTION

For the benefit of Captains Ross and Lynch's Companies.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby required to audit the discharges of Captains Ross and Lynch's Companies for the time they were actually in service.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

AN ACT

For the relief of Robert Hodge.

Whereas, it appears that a mistake has occurred in the Land Office, whereby it appears that the following described tract of land, lying back of leagues number one, two, and three, east of San Bernards, was by mistake granted to John Hodge on the fourteenth day of June,

eighteen hundred and thirty-one, which was intended for and should have been Robert Hodge, therefore, Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby authorized and required to correct the aforesaid mistake in the records of his office, by changing the name of John Hodge to that of Robert Hodge; both on the original grant and the copy of the same now in the possession of the aforesaid Robert Hodge.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 19, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of J. W. Fanning.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby required, to audit the accounts of J. W. Fanning, as approved by the Secretary of War, for eight hundred and twenty-six dollars and fifty cents.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 20, 1838.

SAM. HOUSTON.

AN ACT

For the relief of F. Neblin.

Whereas, F. Neblin acted as assistant commissary-general for the army during the spring and summer of eighteen hundred and thirty-six; and whereas, at that time, the commissary Department was in a state of disorganization, for the want of proper enactments; and whereas, the said Neblin, as appears from receipts of various officers has discharged his duty faithfully: Therefore,

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the quarter master-general under the inspection of the Secretary

of War be authorized to settle with F. Neblin, Assistant Commissary General upon such terms as he may consider just and equitable.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 21, 1838.

SAM. HOUSTON.

AN ACT

Granting a pension to Mary Millsaps and Family.

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, a pension of two hundred dollars per annum for ten years shall be, and the same is hereby allowed and granted to Mary Millsaps and her children.

SEC. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury to pay the said pension semi-annually in advance, out of any money in the Treasury not otherwise appropriated.

SEC. 3. Be it further enacted, That an amount of money sufficient to meet the demand as aforesaid, is hereby especially appropriated.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 21, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

In favor of the Officers and crews of the Schooners of War
Invincible and Brutus.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized to pay out of any money in the treasury not otherwise appropriated, to the officers and crews of the Schooners of War Invincible and Brutus, or their legal representatives, one half of the avails of the prizes made by said vessels on their last cruize, which have been legally condemned;

according to their respective shares as established by law.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of Aaron Colvil.

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 authorized and required to audit the claim of Aaron Colvil for the sum of seventy-five dollars.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

AN ACT

Appointing Pilots.

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, it shall be lawful for the several collectors of the ports throughout this republic to appoint and control pilots of their respective ports, inspect the boats, &c., appertaining and belonging to the said pilots, and used by them in the discharge of their duties as pilots, and be, in every way, responsible to this Government, for the good conduct and management of the aforesaid Pilots.

SEC. 2. Be it further enacted, That all pilots who have been appointed by law previous to the passage of this act, their appointments shall be submitted to the different Collectors as above, for their ratification.

SEC. 3. Be it further enacted, That any person who shall be appointed as a pilot, shall enter into bonds with

two or more securities, payable in the sum of five thousand dollars, to the collector of the port for which he obtains license as pilot, for the faithful performance of his duties and his good conduct, and also binding him to keep always good and sufficient boats for his use.

JOSEPH ROWE,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

AN ACT

Establishing a Mail Route from Galveston to Matagorda and Texana.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the acting Post Master General of this Republic be and he is hereby authorized and required, to establish a mail route from the City of Galveston to the towns of Matagorda and Texana, by the way of Velasco and Quintana, and contract immediately for the transportation of the mail over said route once in every two weeks.

JOSEPH ROWE,
Speaker of the House of Representatives.
S. H. EVERITT,
President pro tem. of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

AN ACT

Providing for the punishment of offences in the depopulated Counties.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in case of offences committed, in either of the counties of San Patricio, Victoria, Goliad and Refugio, it shall be the duty of the sheriff of the County in which such offence shall have been committed, upon the order of the Chief Justice of said county, to transport the offender or offenders to the nearest County where the district courts are regularly organized and held for trial.

SEC. 2. Be it further enacted, That all formalities and proceedings on the said trial shall be conducted in the same manner, as if the offence had been committed in the County where the trial is held.

SEC. 3. Be it further enacted, That when one or more persons are thus transported to any County for trial, a special Court may be called in the same manner, as if the offence had been there committed.

SEC. 4. Be it further enacted, That all judgments rendered in the cases above referred to, shall be executed in the county where the trial is held.

SEC. 5. Be it further enacted, That this act shall cease its operations in each of the above named Counties, whenever a District Court shall be regularly organized and held in the same respectively.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

AN ACT

Providing for the payment of the First Loan to Texas.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That to fulfil and carry into effect the contract of compromise made on the first day of April, 1836, between the Government ad interim of Texas, and the stockholders in the first loan negotiated by the Commissioners of Texas in New Orleans on the 11th day of January, 1836, the President of the Republic be and he is hereby authorized to issue to the said stockholders the Land Scrip as stipulated in said contract of compromise: Provided the said scrip shall not be located until after the first Thursday in August next, and further provided, that no interest shall be allowed on said loan, but that the land hereby authorized to be given shall be in full payment and liquidation of said loan.

JOSEPH ROWE,
Speaker of the House of Representatives
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

To amend an Act incorporating the City of San Antonio and other Towns.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the third section of an "act incorporating the city of San Antonio, and other towns therein named," shall be amended by inserting after the word "council" in the ninth line, the words, "and who with the Treasurer and Collector."

SEC. 2. Be it further enacted, That the eighth section be amended by striking out from the first and second lines, the words "in conjunction with the Justices of the County Courts:" provided, that this section shall not apply to Gonzales.

SEC. 3. Be it further enacted, That the ninth section of said act be amended by striking out all after the enacting clause, and inserting the following: "that the mayor be authorized and empowered to act in all cases as guardian and custodier of the peace and quiet of the city; and he is hereby vested with all the powers necessary therefor.

SEC. 4. Be it further enacted, That so far as relates to the town of Victoria, no person shall be allowed to vote for, or be eligible to fill any office in said council, who shall not be at the time of the election, the owner of real estate, or actually paying rent within the incorporated limits of said town, and who shall not have resided therein, six months previous to the election: provided, that the Mayor and a majority of the Aldermen, shall be bona fide owners of real estate within said limits.

SEC. 5. Be it further enacted, That all elections heretofore held for members of the Council of said town, and which were not held on the day specified in the fourth section of the above recited act, are hereby declared null and void; and the Chief Justice of the county of Victoria shall immediately, upon the promulgation of this act, order an election for Mayor and Aldermen for the aforesaid town, for the balance of the year one thousand eight hundred and thirty-eight.

SEC. 6. Be it further enacted, That so much of an act entitled "an act to incorporate the town of Brazoria, and other towns therein named," as relates to San Patricio, is hereby repealed; and the town of San Patricio shall be in-

corporated under the provisions of this act, and shall be entitled to the same privileges and subject to the same restrictions as the town of Victoria.

SEC. 7. Be it further enacted, That so much of "an act, passed the fourteenth day of December one thousand eight hundred and thirty-seven, incorporating the city of San Antonio, and other towns, as conflicts with this act, is hereby repealed: that the town of Franklin in Robertson County, and the town of Refugio be incorporated under the same regulations as prescribed in this act, incorporating the town of Victoria. That so much of an act, approved December the twenty-ninth, one thousand eight hundred and thirty-seven, entitled "an act to incorporate the city of Houston and other towns therein named," that refers to the town of Refugio, be, and the same is hereby repealed.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

To amend an Act entitled an Act establishing the District Courts.

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 new judicial district established, to be called the Fifth Judicial District.

SEC. 2. Be it further enacted, That the District Courts shall be holden in the county of San Augustine, on the first Mondays in March and September, and may continue three weeks. In the county of Sabine on the fourth Mondays in March and September, and may continue six days. In the county of Jasper, on the first Mondays after the fourth Mondays in March and September, and may continue two weeks. In the county of Jefferson on the third Mondays after the fourth Mondays in March and September, and may continue one week. In the county of Liberty on the fourth Mondays after the fourth Mondays in March and September, and

may continue two weeks. In the county of Galveston on the sixth Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

SEC. 3. Be it further enacted, That the second judicial district shall be composed of the counties of Brazoria, Fort Bend, Harrisburgh, Austin, Colorado and Matagorda. The District Courts shall be holden in the county of Brazoria at the town of Brazoria on the first Mondays in March and October, and may continue three weeks; In the county of Matagorda on the fourth Mondays in March and October and may continue two weeks. In the county of Colorado on the second Mondays after the fourth Mondays in March and October, and may continue one week. In the county of Austin, on the third Mondays after the fourth Mondays in March and October, and may continue one week. In the county of Fort Bend, on the Fourth Mondays after the fourth Mondays in March and October, and may continue one week. In the county of Harrisburgh on the fifth Mondays after the fourth Mondays in March and October, and may continue until the business shall be disposed of.

SEC. 4. Be it further enacted, That the third judicial district shall be composed of the counties of Washington, Montgomery, Robertson, Milam, Bastrop and Fayette.—The Courts shall be holden in the county of Washington on the second Mondays in March and September, and may continue two weeks; In the county of Montgomery on the fourth Mondays in March and September, and may continue six days; In the county of Robertson on the first Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Milam on the second Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Fayette on the fourth Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Bastrop on the fifth Mondays after the fourth Mondays in March and September, and may continue two weeks.

SEC. 5. Be it further enacted, That the fourth judicial district shall be composed of the counties of Gonzales, Jackson, Victoria, Goliad, Refugio, San Patricio and

Bexar. The Courts shall be holden in the county of Gonzales, on the first Mondays in March and September, and may continue six days; In the county of Jackson on the second Mondays in March and September, and may continue six days; In the county of Victoria on the third Mondays in March and September, and may continue six days; In the county of Goliad on the fourth Mondays in March and September, and may continue six days; In the county of Refugio on the first Mondays after the fourth Mondays in March and September, and may continue six days; In the county of San Patricio on the second Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Bexar on the third Mondays after the Fourth Mondays in March and September, and may continue until all the business is finished.

SEC. 6. Be it further enacted, That the fifth judicial district shall be composed of the counties of Houston, Nacogdoches, Shelby, Red River and Fannin: The courts shall be holden in the county of Houston, on the first Mondays in April and October, and may continue six days; In the county of Nacogdoches on the second Mondays in April and October, and may continue three weeks; In the county of Shelby on the first Mondays after the fourth Mondays in April and October, and may continue two weeks; In the county of Red River, on the third Mondays after the fourth Mondays in April and October, and may continue two weeks; In the county of Fannin on the fifth Mondays after the fourth Mondays in April and October, and may continue two weeks.

SEC. 7. Be it further enacted, That the Supreme Court shall be holden at the Seat of Government on the second Monday in January of each year, and may continue in session until all the business before it is finished.

SEC. 8. Be it further enacted, That the alternation of the district judges, as now provided for, shall, from and after the passage of this act, be, and the same is hereby repealed; and the judges shall only be required to alternate in case of the interest of either of the Judges in any suit in his circuit, when such alternation shall be had by

them in such manner as to suit the wishes and convenience of the Judges.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

For the benefit of John R. Foster.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first Auditor of Public Accounts be, and he is hereby required to audit and allow the claim of John R. Foster, for personal services in the army of Texas, from the eighth of October eighteen hundred and thirty-five, to the fourteenth of February, eighteen hundred and thirty-six, and the Secretary of War is hereby authorized to issue to said Foster a certificate to bounty land corresponding with said term of service.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

For the relief of A. C. Horton.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Navy be, and he is hereby authorized and directed to allow A. C. Horton at the rate of three hundred and fifty dollars per month for his services as Navy Agent from the twenty-third day of December, eighteen hundred and thirty-seven, to the time of his return; and that the same shall be deducted out of the claims now held by the Government against said Horton.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

For the relief of the heirs of certain persons therein named.

Whereas, a bill providing for the settlement of deceased soldiers' estates, makes it obligatory on those administering upon their estates, to publish the act of administration three months before they shall be permitted to act upon the duties of that office; and whereas, the advantages of priority of location guaranteed to those who were here before the declaration of Independence will be lost, because the time to which that priority is limited, will have transpired, and consequent injury result to their heirs. Therefore,

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That J. C. Duval and Wm. P. Brashear, upon the evidence of two or more respectable witnesses testifying from personal knowledge that they are the brothers, and consequently the lawful heirs of B. H. Duval and R. C. Brashear, (who were of the number of the unfortunate companions of Fannin,) be permitted to receive their pay, bounty land and head rights, in the same manner as if they had complied with the law requiring them to administer and to publish the act of administration, and forbidding them to act upon the duties of their office until the expiration of three months.

SEC. 2. Be it further enacted, That the Auditor be authorized and directed to audit the accounts of B. H. Duval and R. C. Brashear, and the Secretary of War, and Board of Land Commissioners be directed upon the evidence of two or more respectable witnesses, to issue the certificates for their bounty land and head rights.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

For the benefit of P. S. Wyatt.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in congress assembled, That the sum of twelve hundred dollars be, and the same is hereby allowed to P. S. Wyatt to be paid out of the Promisso-

ry notes of this Government for fifty stand of arms, and monies expended by him in bringing a company of volunteers to Texas, in the year eighteen hundred and thirty-five; provided that six hundred dollars of the above appropriation shall be reserved by the treasurer of this republic, until a similar demand shall be made by the Government of the State of Alabama, on P. S. Wyatt; this provisor being made at the request of P. S. Wyatt.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

For the relief of M. B. Menard.

Be it 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 accounts of M. B. Menard for the sum of twenty-one hundred dollars for his services as commissioner of the republic of Texas to the United States of America.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the benefit of William Kuykendall.

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 and allow the claim of William Kuykendall for two hundred and five dollars for a horse and corn furnished the army of Texas.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

A JOINT RESOLUTION

Fixing the dividing line between the counties of Bexar and San Patricio.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a direct line running from the junction of the Cibolo or San Bartola creek, to the Rio Frio, at a point thirty miles above its junction with the Nueces; thence in a direct line to the town of Laredo, shall be considered the dividing line between the counties of San Patricio and Bexar, and shall be respected as such by the surveyors of the respective counties, provided that this act shall not affect rights previously acquired by surveys legally made by the surveyors of the county of San Patricio, below the old road from San Antonio to the presidio of Rio Grande.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

Establishing certain mail routes therein named.

SEC. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be a mail route established by this act from the town of Bastrop to the residence of Reuben Hornsleys, on the Colorado river.

SEC. 2. Be it further resolved, That there shall be established a mail route from the town of Anahuac in the county of Liberty, to the house of Thomas Stubblefield, on Trinity river, in said county; also a route from the town of Shelbyville, in Shelby county, to the town of Milam, in Sabine county, by the way of Hamilton on the Sabine river.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the benefit of Hiram Wood.

Be it resolved by the Senate and House of Representatives of

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the Republic of Texas in Congress assembled, That the Treasurer of the Republic be, and he is hereby authorized to pay out of the promissory notes of the Government, the amount of a draft in favor Hiram Wood for three thousand three hundred and twenty-two dollars, for Naval supplies, out of any money in the Treasury not otherwise appropriated, if, on examination of the vouchers of the claim, they be found in conformity with law and equity.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR.
President of the Senate.

Approved, May 26, 1838.

SAM. HOUSTON.

AN ACT

Supplementary to an Act providing for the Location of Land Scrip, issued under the Act of Congress dated 6th December, 1836, and for redeeming the same.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of the above recited act do, and they are hereby declared to extend to all Land Scrip issued and sold by the authority of the Government of Texas, in accordance with law in all respects.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR.
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

CHARTER

Of Galveston and Brazos Rail-road.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a company be incorporated under the name and style of Brazos and Galveston Rail-road Company, under the rules and regulations hereinafter mentioned; and under this title may transfer their rights by succession or as-

signment, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors by the same name and style, shall be, in law, capable of holding, purchasing, and conveying any estate, real, personal, or mixed, for the use of said corporation, and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter, as hereinafter enacted, or to the Constitution of this Republic.

SEC. 2. Be it further enacted, That the said company shall have the right to make turnpikes and rail-roads, from the main channel of Galveston Bay to the Brazos river.

SEC. 3. Be it further enacted, That the capital stock of said company shall be five hundred thousand dollars, and be divided into five thousand shares of one hundred dollars each.

SEC. 4. Be it further enacted, That the management of the affairs of said company, shall be conducted by a board of five directors, each of whom shall own at least fifty shares of the capital stock of the said company, and three of said directors shall form a quorum to do and perform all the business necessary to the successful operation of said improvements; that a majority of said directors shall appoint a President from one of their number, and fill such vacancies as may from time to time take place, from death, resignation, or otherwise; that after the election mentioned in section eighth in this act, all ensuing elections for directors shall be held annually at the village of Austinia, on the first Monday of June of each year, and in case of failure to elect, on the day fixed by this act, the corporation shall not be dissolved for that cause, but the President and Directors for the time being, shall continue in office until there shall be an election, and that the stockholders shall have one vote for each share that they own, and may vote by attorney.

SEC. 5. Be it further enacted, That on application for

shares the sum of twenty dollars for each share applied for shall be deposited with the commissioners, and the balance shall be paid at such times, and upon such terms, as the President and Directors may designate; provided, that no more than ten dollars on each share shall be called for at a time; and also provided, that public notice in a Newspaper published at the seat of government, be given for sixty days, and in case that any of the stockholders neglect to pay any of the instalments after being thus advised, at the expiration of said term, the shares, as also the first or subsequent instalments which may have been paid, shall be forfeited for the benefit of the company, and a new subscription may be opened to cover any deficit occasioned by said shares.

SEC. 6. Be it further enacted, That the President and Directors of the said company shall prescribe the form of certificates of shares of stock, and the manner of transferring such certificates, but the transfer shall be made in a book to be kept for the purpose by said company at their place of doing business, which transfer shall be made in the presence of, and attested by, either the president or secretary of said company, and a transfer may be made by such shareholders in person, or by his, her, or their agent: The power of attorney to such agent to be duly proved and certified, and lodged with the president or secretary of said company; provided, that no transfer shall be allowed to be made on the transfer book, except it be done at least fifteen days previous, or five days after the day of election, for Directors as appointed in section fourth of this act.

SEC. 7. Be it further enacted, That books for the subscription of the capital stock of said company shall be opened as follows, viz: At the city of Houston, for two thousand shares of said stock, under the superintendence of W. G. Cooke and Asa Brigham; at the village of Austinia, for fifteen hundred shares, under the superintendence of James F. Perry and George L. Hammeken; at the town of Brazoria, for fifteen hundred shares, under the superintendence of Edmund Andrews and Frederick A. Sawyer, and shall remain open until at least one thousand shares are subscribed for, at which time due returns of all the subscriptions shall be made to the commissioners of Austinia.

SEC. 8. Be it further enacted, That whenever one thousand shares of said stock shall have been taken, the commissioners shall give thirty days notice, in one or more Newspapers published at the seat of government of this republic, that the number of shares required by the act of incorporation to organize the company, have been subscribed, and that an election will be held at Austinia, or at such place as the commissioners may determine, to choose by a majority of the votes of the subscribers, by ballot, to be delivered in person, or by proxy, duly authorized, five directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, or until other such officers shall be elected.

SEC. 9. Be it further enacted, That when the company shall be duly organized in conformity with sections four and eight of this act, the President and Directors shall have full power to borrow money upon the faith of this charter, to accomplish the object of the present act: and may hypothecate the stock or other property, real or personal, and issue certificates for the payment of the same, and also to do and perform as directors of said company, everything necessary and proper to carry it into complete operation.

SEC. 10. Be it further enacted, That the President and Directors, with such surveyors, engineers, artists, and chain-carriers, as they may think necessary, are hereby authorized to enter in and upon the land and enclosures, and public roads and highways in, through, and over which, the said intended turnpikes or rail-roads may be thought proper to pass; and to examine and survey the ground most proper for the purpose; and also that the said President and Directors, shall have the right to survey, lay out, and make their roads, through any improved or unimproved lands, on the most eligible route; and should the said company or their agents not be able to make arrangements with the owner or owners of the said land through which it may be necessary to run said improvements, or should said owner or owners, not be capable of contracting, or be absent or unknown, the company may petition the judge of the county in which said land is situated, giving a description of the lands which they deem necessary and indispensable for their operations, with the names of the proprietors, if they can be as-

certained; and the said judge shall then summon a jury of six freeholders, not interested in the company, who shall make a report of the value of the land so required, and upon the payment thereof by the company, either to the owner, or to the treasurer of the county, a good and bona fide title shall be granted by the judge, a copy of which shall be recorded in the Recorder's office of the county where the land is situated; provided, that the lands so required shall not exceed fifty yards in width.

SEC. 11. Be it further enacted, That should said company wish to occupy any portion of the public lands by their improvements they shall have a right to take possession of, and pay to the government, the minimum price of such lands; provided, that the land so required shall not exceed fifty yards in width.

SEC. 12. Be it further enacted, That if any person or persons whatsoever, shall wilfully, by any means whatever, injure, molest, or destroy any part of the turnpikes or rail-roads, constructed by said company under this act, or any of their works, buildings, fixtures, or machines, or other property, such person or persons, so offending, shall each of them be liable for all damages occasioned thereby, and at any time within twelve months after such offence shall have been committed, and upon conviction be punished by a fine not exceeding ten thousand dollars; or imprisonment, not exceeding twelve months, or both, at the discretion of the court.

SEC. 13. Be it further enacted, That the said company may establish on their different routes, and make use of, all kinds of boats, vehicles, wagons, or carriages of any nature whatsoever, for the purpose of transportation; that so soon as the work is completed, the managers, or directors thereof, shall report to Congress, who shall have the sole power of regulating the rates of tolls for passing said railway; and all Government stores, arms, ammunition and men, that the Government may find it necessary to pass over said road, shall be transported free of toll or other charge.

SEC. 14. Be it further enacted, That the said company may construct bridges, and make such improvements in the different bays, rivers, bayous, creeks, &c. as may be deemed expedient by them or their agents, provided,

that said bridges do not in any way obstruct the navigation of the aforesaid rivers.

SEC. 15. Be it further enacted, That in the event that ten miles of the aforesaid turnpikes or rail-roads, shall not be completed within four years from and after the passage of this act, the land specified in sections ten and eleven, shall revert to the original proprietors, the money paid by the company shall be retained by the said proprietors, as an indemnification for the occupancy of the same, and the said charter shall be forfeited, and forever thereafter be null and void.

SEC. 16. Be it further enacted, That this act shall not be so construed, as to permit of banking privileges in any form whatever.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

To Amend the Direct Tax Law.

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 the assessors, so soon as they may be notified of their appointment, to advertise in at least three of the most public places within each captain's beat, giving at least twenty days notice to all persons living within the bounds of the same, that he will attend at the mustering grounds for said beats on a particular day or days, for the purpose of receiving a list of taxable property, at which time and place he shall attend, and remain a sufficient length of time to enable all persons who may attend to give in their several lists.

SEC. 2. Be it further enacted, That each and every person giving a list of their taxable property, shall take the following oath, to be administered by the assessor, or some other person duly authorized to administer an oath: "I, A. B., do solemnly swear (or affirm as the case may be) that this list contains a true and perfect account of

all and every species of taxable property belonging to me, or in my possession on the first day of January last, within the bounds of this republic, and what I consider to be a fair valuation of the same, and that no change or removal of property hath been made, or entered into in order to evade the payment of tax, so help me God."—If the assessor, however, shall think the valuation to be unfair, he may appoint two disinterested persons, who shall upon oath affix the valuation thereof, which shall be final.

SEC. 3. Be it further enacted, That if any person shall fail or refuse to give a list of his taxable property before the expiration of the time allowed the assessor to make his assessments, he shall be subject to pay a double tax, and the sheriff is hereby required to collect the same, and to make due returns in like manner with other taxes, giving a correct account thereof, and the sheriff in making his returns of monies, or other taxes by him collected, shall swear and subscribe to the following oath, to be administered by some person duly qualified to administer the same: "I, A. B., do solemnly swear that the list of taxes accompanying this affidavit contains a just and true account of all the taxes by me collected up to this time; excepting such as I have previously made due returns of."

SEC. 4. Be it further enacted, That it shall be the duty of the several clerks of the county courts to make out within one month after he receives the returns from the assessor a copy in alphabetical order, of the names of every person, who has given in a list of their taxable property, together with a list of the property so given in by them, and valuation, and post the same up in the court-house where it shall remain subject to the inspection of the public, and any person who shall be guilty of mutilating, destroying or removing the same, shall be deemed guilty of a high misdemeanor, and upon conviction, shall be fined, not less than one thousand dollars, and imprisoned not less than thirty days; and it shall also be the duty of said clerks to make and furnish to the sheriff a similar copy of such list of taxable property, on or before the first Monday in April succeeding each term; for all of which services the county court shall adjudge and al-

low said clerks a reasonable compensation, to be paid out of the county treasury, upon their order.

SEC. 5. Be it further enacted, That it shall be the duty of the sheriffs to collect, as the law directs, all the taxes which may be due from persons of their respective counties, and in case any person should prove insolvent for their taxes, the sheriff shall make a due return of all such to the clerk of the county court, who shall make a list of the same and put it up in the court house.

SEC. 6. Be it further enacted, That all persons owning taxable property situated within the bounds of the county in which they reside, in giving a list of their property, shall describe the same particularly, stating the quality, species, quantity, valuation, and in what county it is situated, and a separate list for property situated in different counties, lists of which taxable property shall be transmitted to the clerk of each county where such property may be situated, upon which list it shall be lawful for the county court to levy a tax for county purposes, which tax shall be levied and collected as other county taxes are in such county.

SEC. 7. Be it further enacted, That it shall not be lawful for any county court, or any corporation, to levy and collect a currency differing in character from that which is levied by the republic.

SEC. 8. Be it further enacted, That hereafter a direct tax shall be levied and collected alone upon lands, and slaves, horses, over two; mules, over two; neat cattle over twenty-five in number; clocks, watches, pleasure carriages, and town and city lots; provided, that nothing in this act shall be so construed, as to repeal so much of an act enforcing taxes on taverns, grog-shops, billiard-tables, merchants, nine-pin alleys, and poll tax.

SEC. 9. Be it further enacted, That in all counties where taxes have not been given in and paid according to the laws, it shall be the duty of the assessor to assess, and the sheriff to collect, the taxes for the preceding year or years, at the same time the taxes are assessed and collected for the current year, according to the rates established heretofore by law.

SEC. 10. Be it further enacted, That it shall be the duty of the clerks of the county courts, in the new counties

which have been created during the years 1837 and 1838, to obtain from the clerks of the counties out of which such new counties have been created, a certified copy of the assessments or list of taxes due upon property within the new county, which were due before the division was made, which assessment or tax list shall be delivered to the sheriff of the new county, and by him collected agreeably to law.

SEC. 11. Be it further enacted, That in all cases where there is no personal property to be found whereon to distrain for taxes on lands and lots, the sheriff shall report all such lands and lots to the county court, whose duty it shall be to enter up judgment against the same, and the owners thereof, for the amount of taxes, costs and charges thereon, and an order of sale shall issue to the sheriff, requiring him to sell the same, and the return of the sheriff on such order shall be good in law as all other sales made on a fieri facias; all lands and lots so sold may be redeemed by the original owner, within twelve months from the day of sale by paying fifty per cent on the amount.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR.

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

RESOLUTION

Declaring John Vince the Legitimate Son of Allen Vince and Matilda Welbourne.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John Vince, son of Allen Vince and Matilda Welbourne, be, and he is hereby declared legitimate, and capable in law of inheriting his parents' property in the same manner as if he had been born in lawful wedlock.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR.

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Respecting the Abatement of Suits, &c.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when any party may die pending any suit in any of the courts of this republic, the suit shall not thereby abate, but upon the death being suggested upon the docket, it shall and may be lawful to issue a scire facias, returnable to the next term of the court, which being served upon the executor, administrator, guardian, curator, or heirs, they shall be made parties to said suit.

SEC. 2. Be it further enacted, That when any person hath or may hereafter die intestate, and no person will administer on said estate, it shall and may be lawful for any person who hath commenced any suit against such intestate in his life time, and may wish to recover the same, to issue a scire facias against the heirs of such intestate, and in case the heirs or minors are absent from the republic, it shall be the duty of the court to appoint a guardian for such heirs as are minors, for the purpose of defending said suit, and on a return of the scire facias having been served upon the guardian or heirs, as the case may be, the said plaintiff may prosecute his said suit to judgment and execution as in other cases.

SEC. 3. Be it further enacted, That no suit now pending or which may be hereafter brought in any of the courts by a feme sole, shall abate by her marriage, and it shall be lawful for the husband, at the next succeeding term after his marriage, to make himself party to any such suit, and to prosecute the same as if he and his wife had been original plaintiffs to such suit.

SEC. 4. Be it further enacted, That no suits in any of the courts which are now pending or which may be hereafter brought against a feme sole shall abate by her intermarriage, but their husbands respectively may be made defendants to such suits, by scire facias, and judgment may be rendered therein, and execution issue as though such suit had been instituted against such husband and wife jointly; provided that nothing herein contained shall be so construed as to make the husband liable for any debts contracted by said feme sole before marriage.

SEC. 5. Be it further enacted, That when any suit

shall have been or may hereafter be commenced in the name of one person for the use of another, and the person whose name may be used, shall depart this life during the pending of such suit, it shall not be necessary to revive said suit in the name of the representative of the deceased, but said suit may be prosecuted in the same manner as though said death had not happened, the same having been suggested on the record.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Supplementary to 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 the conditions contained in the first section of the act to which this is a supplement, so far as relates to the individuals who were in the action of the 19th March, 1836, under the commands of Colonels Fannin and Ward, and also those who fell at the Alamo under the commands of Bowie and Travis, are hereby cancelled.

SEC. 2. Be it further enacted, That the Secretary of War is hereby authorized and required to issue land warrants agreeably to all the provisions of the aforesaid act, which is not repealed by this act, to the legal representatives, in the name of the heirs of all persons embraced in the first section of this act, upon the production of satisfactory testimony that the persons whom they represent were among those who fell in either of the two actions above named.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

To Define the boundary Line of 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 the boundaries of the county of Montgomery shall be as hereinafter expressed, to wit: Beginning at a point on the east side of the Navasoto river, where the San Antonio road crosses the same; thence eastwardly with said road to the Trinity river; thence down said river to the boundary line of the county of Liberty; thence west and south with the boundary line of said county till it strikes the northern boundary line of the county of Harrisburg; thence west with the boundary line of said county to the county of Austin; thence with said county line to the Brazos river; thence up said river to the mouth of the Navasoto; thence up the Navasoto to the place of beginning.

SEC. 2. Be it further enacted, That all acts and parts of acts coming within the purview and meaning of this act be, and the same are hereby repealed.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Supplementary to an Act entitled an Act to Authorize the Clerks of the several Courts to appoint Deputies, approved Dec. 21st, 1837.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the clerk of the Supreme Court be and he is hereby authorized to appoint a deputy upon the terms and conditions prescribed to clerks of the District and County Courts in the act entitled "an act to authorize the clerks of the several courts to appoint deputies, &c.," approved December 21st, 1837.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Defining the Boundaries of the Counties of Bastrop and Gonzales.

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 the line between the counties of Bastrop and Gonzales: beginning at the northeast corner of a tract of land granted one Stifflin, thence to its north-west corner, thence to the north-west corner of a league granted to S. Hall, thence north-west with a line run and marked by Bartlett Simes for the line between Dewit's Colony and S. F. Austin to the San Antonio road, thence westwardly with the same to the Guadalupe, up the same to the north-west of Milam's Colony, thence north seventeen degrees east to the dividing ridge between Colorado and Brazos, thence down the same closing on Fayette.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Better to Define the Duties of Sheriffs.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That if any sheriff shall fail to return an execution within the time prescribed by law, or shall neglect to pay money recovered upon an execution, to the counsel of record for the plaintiff in execution, there shall be rendered against such sheriff, a judgment for the account due upon the execution, with ten per cent. damages, and also ten per cent. interest per month until the whole amount shall be paid; provided, that the party moving for such judgment shall have given to the sheriff at least three days notice, before the motion made, which judgment may be rendered before any court of record in the county where such execution was issued.

SEC. 2. Be it further enacted, That in any case where the sheriff is a party to the suit, all processes shall be ex-

ecuted by the constable of the township where the court is held in cases where there is no coroner in the county, or if he be absent from the seat of justice of the county, at the time the process is obtained, and in such case the constable shall have jurisdiction co-extensive with the county.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

Providing for Issuing Certificates of Head Rights to the Heirs of those who fell with or under Fannin, Travis, Grant and Johnson.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a certificate from the Secretary of War shall be a sufficient evidence to any of the boards of land commissioners to grant certificates of head rights to the heirs, or legal representatives of those who fell while under the command of, or with Fannin, Travis, Grant and Johnson, in the Spring of eighteen hundred and thirty-six.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Defining the Boundaries of Austin County.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all that territory comprehended within the following limits shall compose the territory belonging to the county of Austin, to wit: beginning on the San Bernard at the lower line of Cole's League of Land, thence in an eastwardly direction with the upper line of Fort Bend County to the north-east corner of said line on Buffalo Bayou; thence in a northwardly direction with the county line between

Harrisburg and Austin to the head of Spring creek, thence in a direct line to the head of Pond creek, thence to the mouth of Beason's creek, thence crossing the Brazos river to the mouth of Caney creek, and up said creek with the line of Washington county to its source; thence with said line to a league of land granted to Harmon Hansley, thence to a league of land granted to David Shelby, thence in a direct line to a league of land granted to Samuel O. Pettis, including said land, thence in a direct line to the head of San Bernard, and down the same to the place of beginning.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of D. B. Friar.

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 directed, to audit and pay the claims of D. B. Friar on this Government, in conformity with equity and justice, and according to law.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Relative to the Duties of the Collector of the Port of Velasco.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Collector of the Port of Velasco, be required to despatch all vessels which may arrive at said Port destined to Brazoria or Columbia, forthwith to their place of destination, and to place an officer on board of said vessels to

deliver the cargoes and secure or receive the duties thereon, agreeably to law, and former practice.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the Benefit of John Talbott.

SEC. 1. Be it resolved 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 and required to issue to John Talbott a land warrant for twelve hundred and eighty acres of bounty land for his services as armorer at Galveston Island; provided always that twelve hundred and eighty acres, is to be the full amount of bounty land the said Talbott shall receive for past services.

SEC. 2. Be it further resolved, That the auditor is hereby directed to audit the said Talbott's claims on the Government for pay, to the amount of fifty dollars per month for such time as he acted as master armorer, deducting the amount he may have received.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

For the Relief of George Sutherland.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be authorized and required to audit the claim of George Sutherland for fourteen hundred dollars, it being for corn, cattle and hogs furnished the army.

JOSEPH ROWE,
Speaker of the House of Representatives.
MIRABEAU B. LAMAR,
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Appointing Commissioners to view and mark out a road from
Bastrop to Red River.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That R. B. Craft, William Barton, and Captain Lynch, be, and they are hereby appointed Commissioners to view and mark out a road from Bastrop on the Colorado river, to the Trinity river, at or near the upper Three Forks, and that Baily English, Robert Sloan, and Levi M. Rice be, and they are hereby appointed Commissioners to view and mark out a road from the point on Trinity, at or near the upper Three Forks thereof, so as to intersect with the road marked out from that point to Bastrop on the Colorado river, to some point on Red river not below the Spanish Bluffs, nor above the Cross Timbers, and it shall be the duty of the said two appointments of Commissioners to confer with each other and fix on the time at which they will meet, at or near the Three Forks of Trinity, so as to depart from the same point (or agree on the point) at which said road shall cross Trinity river, and it shall be the duty of said Commissioners to report to Congress at the next session, and shall be entitled to three dollars per day for said services, out of any money in the Treasury not otherwise appropriated; Provided, however, that they shall not be paid for more than twenty days.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 26, 1838.

SAM. HOUSTON.

JOINT RESOLUTION

For the Relief of John Murray.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer of this republic be, and he is hereby authorized and required to pay Capt. John Murray, with the promissory notes of the Government, the sum of two thousand one

hundred and one dollars and thirty-five cents, being the balance due on his draft audited 16th July, 1836, at Velasco, which audited draft shall be the voucher for the Treasurer.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 26, 1838.

SAM. HOUSTON.

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