

# THE LAWS OF TEXAS

1822-1897

*Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with all the Laws, General and Special, passed thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress.*

COMPILED AND ARRANGED BY  
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OF AUSTIN.

WITH AN INTRODUCTION BY C. W. RAINES.

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L A W S

OF THE

REPUBLIC OF TEXAS

PASSED THE

FIRST SESSION OF THIRD CONGRESS

1839

HOUSTON.

1839



# LAWS, &c.

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## A JOINT RESOLUTION

Appropriating money for the protection of the Frontier.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of twenty thousand dollars be, and the same is hereby appropriated to the fitting out of two hundred and fifty men of the second brigade, Texas militia, (the number of men called for by Gen. Rusk) to quell the insurrection now existing among the Indians and Mexicans.

Sec. 2. Be it further resolved, That twenty thousand dollars be and the same is hereby appropriated for obtaining arms, ammunition, provisions and clothing, for the troops now under the command of General Thomas J. Rusk, upon our northern frontier.

Sec. 3. Be it further resolved, That General Thomas J. Rusk be and he is hereby authorized to draw upon the custom house collector of the San Augustine collectoral department, for the sum of ten thousand dollars forthwith.

Sec. 4. Be it further resolved, That from and immediately after the passage of the above and foregoing resolutions, that the Secretary of State be, and he is hereby required to forward a copy of the same to General Rusk, forthwith, by express, and that he draw upon the Treasury of the Republic of Texas, for a sufficient amount of money to defray the expenses of said express.

Sec. 5. Be it further resolved, That General Mosely Baker be authorised to demand and receive of the Honorable Secretary at War an order for any arms, ordnance, stores, or munitions of war, now in the Arsenal at this place, that he may deem necessary, to render his force as effective as possible.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, November 7, 1838.

SAM HOUSTON.

## A JOINT RESOLUTION

Authorising the President to draw funds for transporting Arms,  
Munitions, Troops, &c.

Resolved by the Senate and House of Representatives of the  
Republic of Texas in Congress assembled, That the President be,  
and he is hereby authorised to draw upon the Treasury, for the  
necessary funds to defray the expenses of transporting arms, am-  
munition, troops, &c. &c. to the frontiers of Texas for their pro-  
tection.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

## A JOINT RESOLUTION

Requiring the President to grant Commissions.

Resolved by the Senate and House of Representatives of the  
Republic of Texas in Congress assembled, That the President be  
requested to issue commissions to all military officers, who have  
been duly elected in the various Brigades, from the rank of colonel  
inclusive, with all officers entitled to a commission below that rank.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

## AN ACT

Authorising the President to issue the Promissory Notes of the  
Government.

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 authorised and required to issue one hundred thousand dollars of the Promissory Notes of the Government, (authorised by act of Congress, bearing date, May the eighteenth, eighteen hundred and thirty-eight,) of which sum, twenty thousand dollars shall be paid out forthwith, agreeably to an act of the present Congress, making an appropriation for the fitting out of two hundred and fifty men, called for by Major General T. J. Rusk, from the second Brigade, Texas Militia; and the remaining eighty thousand, are hereby ordered to be placed in the hands of the Treasurer, subject exclusively to appropriations for the protection of the frontier.

Sec. 2. And be it further enacted, That the Treasurer be, and he is hereby authorised and required to pay the said appropriation of twenty thousand dollars, to the Pay Master of the first Regiment, second Brigade, Texas Militia, after he shall have given bonds and good security in the sum of eighty thousand dollars, as heretofore required by an act of this Congress.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

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### A JOINT RESOLUTION

Legalizing Commissions of Military Officers, &c.

Resolved, by the Senate and House of Representatives, of the Republic of Texas, in Congress assembled, That the faith of Congress is hereby solemnly pledged to remunerate the services of all citizens who may volunteer in defence of our exposed and suffering frontiers.

Be it further Resolved, That in the absence of regularly commissioned officers, the citizens are recommended to elect their own officers; and the faith of Congress is hereby pledged to ratify and legalize all such elections.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, November 16, 1838.

SAM HOUSTON.

## AN ACT

Entitled an Act to authorize the Judge of the first Judicial District to hold a Special Term of the District Court in the County of San Augustine.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Judge of the first Judicial District be, and he is hereby authorized and required to hold a Special Term of the District Court in and for the County of San Augustine, on the first Monday in January eighteen hundred and thirty-nine, for the purpose of trying the prisoners now in the jail of said County, arrested and imprisoned upon the charge of High Treason.

Sec. 2. Be it further enacted, That the Judge of the District Court aforesaid be, and he is hereby authorized and required, to order the summoning of a Jury of Talesmen, by the proper Officer for the trial of said prisoners; Provided, that nothing in this act shall be so construed as to authorize the Judge of the District Court to force a trial of said prisoners, unless the Prosecuting Attorney on the part of the Republic shall be ready for the same.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, November 17, 1838.

SAM HOUSTON.

## JOINT RESOLUTION

Authorizing the President to renew the lease of the Capitol.

Resolved 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 renew the lease of the Capitol for the ensuing year, commencing at the expiration of the last year's lease, to wit: the twenty-fifth day of September, 1838; and that five thousand dollars be and are hereby appropriated for the same.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved.

SAM HOUSTON.

JOINT RESOLUTION

Requiring the Treasurer to pay certain Drafts therein named.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer of the Republic be, and he is hereby required, to pay out of any monies now in the Treasury, any and all drafts on the Civil and Contingent Funds, that may be presented to him for payment; And further Resolved, That the sum of fifty thousand dollars be, and the same is hereby appropriated, to defray in part the Civil List.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 5, 1838.

SAM HOUSTON.

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AN ACT

Validating certain Acts therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the official acts of the Second Auditor and Comptroller be declared as valid as if the act creating said officers had been previously perfected.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 5, 1838.

SAM HOUSTON.

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AN ACT

Making appropriations for the Post-Office Department.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of twenty-five thousand dollars be, and the same is hereby appro-

priated, for the use of the Post-Office Department; and that the Post-Master General is hereby authorized to draw for the amount on the Secretary of the Treasury, out of any unappropriated money in the Treasury.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 13, 1838.

MIRABEAU B. LAMAR.

### JOINT RESOLUTION

Requiring the Secretary of War to discharge certain Soldiers therein named.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all Officers and Soldiers now in the service, or on furlough, belonging to the first and second Regiment Permanent Volunteers be discharged, and the Secretary of War be authorized and required to discharge the same.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

### AN ACT

Appropriating Five Thousand Dollars for the Contingent Expenses of both Houses of Congress.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars, or as much thereof as may be necessary,

be, and the same is hereby appropriated, to defray the Contingent Expenses of both Houses of Congress.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

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AN ACT

To amend an Act entitled "An Act amending the Judiciary Laws of the Republic;" approved December, 1837.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fifth section of the "Act amending the Judiciary Laws of the Republic," approved December 18, 1837, be, and the same is hereby repealed.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

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AN ACT

To incorporate the town of Beaumont and town of Jasper.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Beaumont be. and are hereby declared a body politic and corporate, under the name and style of the corporation of the town of Beaumont, who shall have the power of suing and being sued, of pleading and being impleaded, and to hold and dispose of real and personal property within the limits of said corporation.

Sec. 2. Be it further enacted. That it shall be the duty of said citizens to elect eight Aldermen, a Presiding Officer or Mayor, a Treasurer and Secretary. who shall be selected by

them from their own body. That a Collector shall be elected by said citizens; the Treasurer and Collector being required to give satisfactory security, and make reports when required by the Mayor's warrant; that the Corporation shall elect one Constable, and the Mayor, when necessary to suppress riots and disturbances, shall have power to call out the posse for the purpose of restoring order.

Sec. 3. Be it further enacted, That the first election shall be held under the direction of the Chief Justice of Jefferson county, after having given ten days notice thereof, and annually afterwards by the Presiding Officer, at least ten days prior to the expiration of his term of Office, and that in case of death or resignation, the vacancy or vacancies shall be filled by new elections.

Sec. 4. Be it further enacted, That no person shall be eligible to hold an Office in said Corporation, or to vote for the members of said body, unless he shall be the owner of real estate in said town, and shall have acquired the rights of citizenship in conformity with the laws of this Republic.

Sec. 5. Be it further enacted, That it shall be the duty of the Aldermen, from time to time, to pass such rules and ordinances for the regulation of the police, and preservation of order within the Corporation limits, as may be necessary; to levy taxes for the removal of nuisances and keeping the streets in order and prescribing the penalties: Provided, however, that no tax shall be levied, unless by consent of two thirds of the Aldermen present, it being assessed according to the valuation of property, and when a meeting is called for this purpose, the object must be stated in the notice, and for the collection of which personal property alone shall be subject to be seized.

Sec. 6. Be it further enacted, That to guard against accidents by fire, the citizens shall be required to keep in readiness, hooks, ladders and buckets:

Sec. 7. Be it further enacted, That the said Aldermen shall have the power of establishing schools within the Corporation.

Sec. 8. Be it further enacted, That the rules and ordinances of said Corporation shall not be contrary to the constitution and laws of this Republic.

Sec. 9. Be it further enacted, That the town of Jasper be and the same is hereby incorporated, and shall have the pow-

ers and be governed by the rules that are hereby enacted for the incorporation and government of the town of Beaumont.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 16, 1838.

MIRABEAU B. LAMAR.

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### A JOINT RESOLUTION

For the relief of Samuel B. Marshall.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Board of Land Commissioners for the county of Red River be, and they are hereby required to grant to Samuel B. Marshall a certificate for three hundred and twenty acres of land, to be located on any of the vacant lands of the Republic, not otherwise appropriated; which land shall be in full, for redeeming a captured child from the wild Indians.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

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### AN ACT

To exempt from direct taxation, certain citizens of certain Counties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the counties of Gonzales, Victoria, Goliad, Refu-

gio, San Patricio and Bexar, now actually residing in those counties, and those citizens of said counties who have been carried captive by the enemy, and those citizens of said counties who have been compelled by the incursions of the Mexicans and Indians to abandon their homes be, and they are hereby exempted from direct taxation, from the date of the passage of the law to raise a revenue by direct taxation, up to the first of January, eighteen hundred and thirty-nine. Provided, That this law shall not exempt from taxation, more than one league and labor of land, belonging to the same individual, nor any other species of property.

Sec. 2. Be it further enacted, That this law shall not be so construed as to exempt from direct taxation any person or persons who are not actually residing in one of the before mentioned counties, widows and orphans excepted.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

#### A BILL

Entitled an act to change a certain Post Route therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the present Mail Route from the city of Houston to Nacogdoches, by way of Cincinnati, be so changed, that after leaving Cincinnati, it pass by the way of Mustang Prairie Post Office, thence to Crockett. Houston county, thence to intersect the present Route at Williams, on the Neches river.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.



AN ACT

To Incorporate the Neches Steam Mill Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Henry Millard, Christian Hillerbrant, Nathaniel Grigsby, David Garner, William D. Smith, Oliver H. Delano, Clark Beach, Thomas W. Chambers, Robert E. Booth, James Clark, Randolph C. Doom, Hezekiah Williams, sen. George A. Pattello, and Gilbert Stephenson, together with their successors and assigns be, and are hereby constituted a body politic and corporate, under the name and style of "The Neches Steam Mill Company," with power to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment, in any court or elsewhere, to have a common seal, to elect in such manner as they may deem proper, all necessary officers, and to fix their compensation and define their duties, to establish by-laws for the regulation of their affairs, and the same to alter and repeal; and to employ all such agents, mechanics and other laborers, as they shall think proper.

Sec. 2. Be it further enacted, That the object of said Company shall be to operate by steam power or otherwise in Texas, a Saw-Mill, a Shingle-Mill, and Grist-Mill, and any machinery necessary in carrying on such other manufacturing or mechanical business, as they shall determine to prosecute: Also, to prepare materials and erect public and private buildings, stores and offices upon contract.

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

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

Sec. 5. Be it further enacted, That the stock, property, affairs and business of said Company, shall be under the care

and managed by not less than three Directors, who shall be chosen annually by the Stockholders, at such times and place as shall be provided by the by-laws of said Company, and who shall be Stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead.

Sec. 6. Be it further enacted, That the Directors of the Company shall choose one of their number to be President; they shall also choose a Secretary and Treasurer of said Company, and such other officers as the by-laws of said Company shall prescribe. They may call in future subscriptions to the capital stock of said Company by instalments, in such proportions and at such times and places as they shall think proper, by giving such notice thereof as the by-laws of said Company shall prescribe; and in case any Stockholder shall neglect or refuse payment of any such instalments, for the space of sixty days after the same shall become due and payable, and after he, she or they shall have been notified thereof, the stock of such negligent Stockholder, shall, by the Directors, be sold at public auction, giving at least thirty days notice thereof in some newspaper; and the proceeds of such sale shall be first applied in payment of the instalment called for, and the expenses attending it, and the balance shall be refunded to the owner thereof; and such sale shall in all respects entitle the purchaser to all the rights of a Stockholder, to the extent of the shares so bought.

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

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

Sec. 9. Be it further enacted, That the books containing the accounts of said Company shall at all reasonable times be opened for the inspection of any of the Stockholders, and as often as once in each year, a statement of the accounts of said Company, shall be made by order of the Directors.

Sec. 10. Be it further enacted, That the stock of this Company shall be deemed and considered personal property, and be transferred only on the books of said Company in such

form as the Directors of said Company shall prescribe; and said Company shall at all times have a lien upon all the stock or property of the members of said Company, invested therein for all debts due from them to said Company.

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

Sec. 12. Be it further enacted, That nothing in this act shall be so construed as to authorise banking privileges in any form whatever. And if the Company should in any way attempt banking operations, this Charter shall be forfeited.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNETT,  
President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.

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#### AN ACT

“Entitled an act” to provide for the protection of the Northern and Western Frontier.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a regiment of men be, and the same is hereby created for the protection of the northern and western frontier, which regiment shall be composed of eight hundred and forty rank and file, to be divided into fifteen companies, consisting of fifty-six men each, and that there shall be attached to each company, one captain, one first lieutenant and one second lieutenant.

Sec. 2. Be it further enacted, That the term of service of said men shall be for three years, unless sooner discharged, who shall be allowed for their services the sum of sixteen dollars per month, and also a bounty of thirty dollars to each recruit, to be paid him at the time of his enlistment, and such further compensation as may be hereafter provided for in this bill.

Sec. 3. Be it further enacted, That the regiment shall be divided into eight detachments, and shall be stationed as fol-

lows: One detachment of fifty-six men, at or near Red river; one detachment of one hundred and sixty-eight men, at or near the Three Forks of the Trinity; one detachment of one hundred and twelve men, at or near the Brazos river; one detachment of one hundred and twelve men, at or near the Colorado river; one detachment of fifty-six men, at or near the river St. Marks; one detachment of fifty-six men, at or near the head waters of the Cibolo; one detachment of fifty-six men, at or near the Rio Frio; and one detachment of two hundred and twenty-four men, at or near the river Nueces: Provided, the President be and is hereby authorised to increase the force at the different posts, as may seem to him most proper.

Sec. 4. Be it further enacted, That the field officers of the regiment shall consist of a colonel, one lieutenant colonel and a major, who together with the officers of companies shall be appointed by the President, by and with the advice and consent of the Senate.

Sec. 5. Be it further enacted, That the regiment shall be divided into two battalions; the detachments west of the Colorado, shall constitute the first battalion, and the detachments east of said river, shall constitute the second battalion.

Sec. 6. Be it further enacted, That to each battalion there shall be one assistant quarter master, to be appointed by the colonel, and for the regiment, one pay master, and two commissaries of purchase, to be appointed by the President with the consent of the Senate; and the duties of the commissaries shall be to furnish for the use of the various posts, such requisitions as may from time to time be made by the colonel, lieutenant colonel or major, as the case may be.

Sec. 7. Be it further enacted, That a military road shall be laid off from, at or near the mouth of the Kiamishua Red river, to the river Nueces, at the intersection of the road from Bexar to the Presidio del Rio Grande; for which purpose an engineer of experience shall be appointed by the President, whose duty it shall be, in conjunction with the colonel of the regiment thus created, to examine and mark and stake out said road over such ground, and to be run in such manner as the colonel and engineer may deem most judicious; which road is hereby declared to be a public highway, and shall be sufficiently cleared and bridged to admit the passage of waggons.

Sec. 8. Be it further enacted, That it shall be the duty of

the colonel to select such positions on the road as will be best calculated for the erection of forts, except the post on Red river, which post shall be at or near the upper settlements on said river, and for the defence and protection of the country, subject at all times to such instructions as they may receive from the President.

Sec. 9. Be it further enacted, That after the positions for forts and garrisons shall be designated, it shall be the duty of the Colonel to cause to be stationed at each of the positions designated in the third section, the detachment assigned for the protection of that particular section of country, and cause to be erected such fortifications as may be best calculated to protect and defend such station; in all cases using stone for the purpose, when the same can be obtained.

Sec. 10. Be it further enacted, That after said position shall be selected, it shall be the duty of the colonel to cause three leagues square of land to be laid off around each station, and to be surveyed into lots of one hundred and sixty acres each; two of which lots of one hundred and sixty acres, shall be reserved to Government, for purposes of fortification, farming, &c. one of which lots of one hundred and sixty acres shall be granted as bounty land to each of the soldiers composing the regiment, (priority of choice to be decided by lot,) who shall have complied faithfully with the terms of their enlistment, and the remainder in lots of one hundred and sixty acres each, shall be given in fee simple, free of expense, to such able bodied citizens as shall actually settle upon and cultivate the same for the space of two years: Provided, that said land shall not be liable to be sold or transferred, either by voluntary or forced sale, for the term of five years next succeeding the period when the same was acquired.

Sec. 11. Be it further enacted, That it shall be the duty of the colonel to set apart out of the three hundred and twenty acres heretofore appropriated to the uses of the Government, a lot of ground to be cultivated by the garrison, in the proportion of three acres to each soldier; which ground shall be planted and cultivated in such manner as may best conduce to the support and sustenance of the garrison or post.

Sec. 12. Be it further enacted, That it shall be the duty of the Colonel, so to dispose of the several detachments, as that the space between each station, shall be traversed twice a day, if the same be practicable, by such number of men as

the commanding officer of the garrison or post, may from time to time designate.

Sec. 13. Be it further enacted, That all spoil, (not the property of citizens,) captured from an Indian enemy, shall be divided by the field officers of the regiment, equally amongst the captors, without regard to rank, and the property of citizens, on identification, shall be restored to the owners.

Sec. 14. Be it further enacted, That the troops already enlisted, under an act of the last session of Congress, approved, May fifteenth, one thousand eight hundred and thirty-eight, for the protection of the frontier, shall be deemed part of the regiment created by this act, and shall be forthwith equipped and sent to the post on the river Nueces; which post shall receive its full complement of men from those first enlisted in the service.

Sec. 15. Be it further enacted, That it shall be the duty of the colonel of the regiment, to cause at convenient intervals, the detachment on the Nueces, to traverse the country between the Nueces and Rio Grande, in such manner as shall give most protection and security to that section of the country.

Sec. 16. Be it further enacted, That it shall be the duty of the President, so soon as he shall deem it expedient, to cause trading houses to be established at or near such of the foregoing post, as will best conduce to the maintaining of amicable relations with the various Indian tribes, under such rules and regulations as he may prescribe: Provided, however, that this section shall not be so construed as to authorise any person or persons, trader or traders, to vend ardent spirits, arms or munitions of war, by wholesale or retail, at or within ten miles of such trading houses, as may be established under the provisions of this section, except by special leave of the President.

Sec. 17. Be it further enacted, That as soon as the officers herein created have been appointed by the President, with the advice and consent of the Senate, it shall be the duty of the President to assign to each officer; his separate station, who shall immediately commence recruiting for his station.

Sec. 18. Be it further enacted, That any one of the cavalry furnishing his own horse, shall be entitled to have him appraised by two sworn appraisers, to be appointed by a field officer of either battalion, and shall receive from the Government whatever price he may be appraised at: Provided, That

such appraisement does not exceed one hundred and fifty dollars; and field officers are hereby authorised to administer the necessary oath to the appraisers.

Sec. 19. Be it further enacted, That it is hereby made the duty of the President to appoint to each post all such necessary officers as are not herein provided for, agreeably to the laws now existing on such subject.

Sec. 20. Be it further enacted, That for the purpose of carrying into effect the provisions of this bill, the sum of three hundred thousand dollars be, and the same is hereby appropriated; and it is hereby made the duty of the President to cause to be issued forthwith the promissory notes of the Government to that amount, and the amount when so issued, to be placed in the treasury of the Republic, to be drawn on the requisition of the paymaster, commissaries, or either of them; such requisitions, in all cases, being approved and countersigned by the colonel, lieutenant colonel or major, as the case may be.

Sec. 21. Be it further enacted, That the paymaster, before entering upon the duties of his office, shall be required to give bond and good personal security, for the faithful performance thereof, in the sum of fifty thousand dollars, which bond shall be made payable to the President of the Republic of Texas and his successors in office.

Sec. 22. Be it further enacted, That commissaries of purchases who may be appointed under the authority of this act, shall before entering upon the discharge of their duty give each a bond and good personal security, in the penal sum of fifty thousand dollars, to be payable to the President of the Republic and his successors in office, conditioned for the faithful performance of the duties assigned them.

Sec. 23. Be it further enacted, That should the three leagues square of land, at each of the posts above referred to, or any portion of the same be found to be individual property, then and in that case, it shall be lawful for the said colonel and engineer to petition the judge of the judicial district, in which such land may be situated, giving a description of the lands, with the names of the proprietors, if they can be ascertained, and the said judge shall then cause six disinterested freeholders to be summoned, who after being duly sworn shall make a report of the value of the land so required, which said report with the proceedings on the same shall be filed in the

office of the district court, in the county in which such trial may be had, and it shall be the duty of said judge to decree said land to be the property of the Republic of Texas, and said judge shall also decree the price of said land so reported to be paid to the owner or owners of said land by the Republic of Texas; and a certified copy of said decree of the judge shall be sufficient to authorise the party interested to demand and receive the said sum of money from the treasury of the Republic of Texas, unless the party owner of the land so adjudicated should prefer receiving a like quantity of land in exchange; in which case he may make his election to do so, and thereupon shall be entitled to a certificate for an equal quantity of land, to be located on any of the vacant lands in the Republic: Provided, however, that if the owner of the land be an absentee, thirty days notice of the day of appointment shall be given by said judge in the newspapers printed in his district, or if none are so printed, then in the nearest newspaper, requiring the owner or owners of said land to appear at the place of appointment, if they see proper; but if the owner be a citizen resident in Texas, then a notice of the proceeding about to be had, as well as the time and place of meeting of the appraisers, shall be served on him personally, or left at his usual place of residence, at least twenty days before the time of meeting: And provided, also, That the district judge shall in all cases cause the appraisement to be made in that county where the land is situated.

Sec. 24. Be it further enacted, That the President shall have power to make cavalry of as many of the eight hundred and forty men herein authorised to be raised, as in his opinion the public exigencies may demand, and to distribute them among the different stations, in such manner as he thinks best for the protection of the frontier.

Sec. 25. Be it further enacted, That the foregoing act shall commence and go into operation, from and after the twentieth day of December, one thousand eight hundred and thirty-eight, and not before.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, December 21, 1838.

MIRABEAU B. LAMAR.



A JOINT RESOLUTION

For the relief of Antonio Manchaca.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be, and is hereby granted to Antonio Manchaca, in compensation of the injuries inflicted upon him, in consequence of his adherence to the cause of Texas' independence, some one of the houses and lots in the city of San Antonio, which may be confiscated to the public use, in virtue and under the provisions of any law or laws of this Republic.

Sec. 2. Be it further resolved, That to enable Antonio Manchaca to avail himself of the benefits of these resolutions at as early a period as practicable, he shall be and is hereby permitted to retain possession of the house and lot in the city of San Antonio, which he now holds and occupies, until such time as the cases of confiscation shall be adjudicated by the tribunals of the country, at which time, should that house and lot be confiscated to the public use, he shall receive from the Government a complete title to them, and in case they should not be confiscated, he shall then be allowed to take some house and lot, which shall have been confiscated. Provided, That nothing herein contained shall be construed to exempt Antonio Manchaca from, or to subject the Government to any legal liability to the owner of the house herein designated, should the same not be confiscated.

Sec. 3. Be it further resolved, That the chief justice of the county be, and he is hereby required to Antonio Manchaca, a certificate of occupancy and possession to the house and lot herein designated, which certificate shall secure to him the undisturbed and unmolested possession and occupancy of the same, until such time as is prescribed in the preceding resolution.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, December 22, 1838.

MIRABEAU B. LAMAR.

## AN ACT

To incorporate the towns of Milam and Zavala.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of a joint resolution to incorporate certain towns therein named, approved December twenty-ninth, one thousand eight hundred and thirty-seven, as relates to the town of Milam be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That the citizens of the town of Milam in the county of Sabine be, and they are hereby declared a body politic and corporate, by the name and title of "The Corporation of the town of Milam;" and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said town.

Sec. 3. Be it further enacted, That the limits of said town incorporated by this act, shall extend eight hundred and forty English yards, from either side of the public square.

Sec. 4. Be it further enacted, That an election shall be held in said town, on the first Monday in January, in each year, for Mayor and four Aldermen; and the persons so elected, shall continue in office one year, or until their successors are qualified. The Mayor so elected shall be commissioned by the chief justice of the county of Sabine, and shall have all the powers of an ordinary justice of the peace in all matters and causes arising under the criminal laws of the country, and shall be authorised and empowered to enforce and carry into effect such by-laws and ordinances as the corporation of said town shall from time to time ordain for the regulation of the police thereof.

Sec. 5. Be it further enacted, That no person shall be eligible to any of said offices, or vote, who is not a citizen of this Republic and a freeholder or a house holder in said town.

Sec. 6. Be it further enacted, That the Mayor shall be President of the Board of Aldermen, who, together with any two Aldermen, shall constitute a quorum for the transaction of business, and said board may enact such by-laws for the government of said town, not inconsistent with the constitution and laws of this Republic, as may be deemed proper,

and may inflict such fines, not exceeding one hundred dollars, as may be considered necessary.

Sec. 7. Be it further enacted, That the Board of Aldermen shall have entire control over the streets of said town, may order new streets to be laid out and old ones discontinued, at their discretion: Provided however, That no new streets be opened nor old ones discontinued, except by the unanimous consent of the Board, and the Board in all such acts shall be governed by the law of the land relative to roads and highways.

Sec. 8. Be it further enacted, That all free males between the ages of eighteen and forty-five years, and all male slaves between the ages of sixteen and sixty years shall be liable to work on the streets, that such persons shall not be compelled to work more than ten days in any one year, and they shall be exempt from other road duty. The Board may impose such fines upon defaulters as they may think necessary, in which they shall be governed by the law of the land.

Sec. 9. Be it further enacted, That the Board of Aldermen shall have power to levy a tax on all persons and property, real and personal, in said town: Provided, however, That the tax on real estate shall not exceed, in any one year, twelve per cent. ad valorem, and no tax shall be levied on such estate, except by two thirds of the Aldermen present, and it shall be levied at the beginning of each year, and be assessed and collected by an officer appointed by the Board in the same manner as the State tax is collected; and the Board shall have the power to levy and collect a tax on all taverns, tipling houses, billiard tables and shows in said town.

Sec. 10. Be it further enacted, That all the public property in said town, shall belong to said corporation, and the Board of Aldermen may dispose of it in such manner as the best interest of said town may require.

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

Sec. 12. Be it further enacted, That the constable and treasurer, shall be appointed by the Mayor, and shall give bond and security, payable to the Mayor and Aldermen and their successors in office, in the sum of three thousand dollars, conditioned for the faithful performance of their duties, and

said constable shall have the same power, and be entitled to the same fees of office as other constables.

Sec. 13. Be it further enacted, That the chief justice of Sabine county, shall issue writs of election for the Mayor and Aldermen, to be held on the first Monday in January, one thousand eight hundred and thirty-nine, and the Mayor and two Aldermen, shall on the first Monday of each and every year, hold said election forever afterwards.

Sec. 14. Be it further enacted, That the citizens of the town of Zavala, Jasper county be, and they are hereby declared a body corporate, with the same powers and privileges, as this act confers on the citizens of the town of Milam:

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate

Approved, December 24, 1838.

MIRABEAU B. LAMAR

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#### AN ACT

To establish a Mail Route from the City of Houston to the town of San Augustine, by the way of Captain Hiram's, on the Trinity River, Belt's Ferry on the River Neches, and Nathaniel Hunt's, on the Ayish Bayou.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Post Master General of this Republic be, and he is hereby authorized and required, to establish a Mail Route from the city of Houston to the town of San Augustine, by the way of Capt. Hiram's, on Trinity River; Belt's, on the Neches River; B. W. Harvey's, on the Angelina River; and Nathaniel Hunt's, on Ayish Bayou; and contract immediately for the transportation of the Mail over said Route once every seven days.

Sec. 2. Be it further enacted, That the Post Master General establish a Post Route from Jasper to Belgrade, to be carried once every two weeks.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

AN ACT

Entitled "An Act to amend an Act to provide for the settlement of deceased Soldiers' Estates," approved May 18, 1838.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the above recited Act shall not be so construed as to apply to the duty of any administrator upon the estate of any deceased Citizen Soldier who was a citizen of Texas, in the full exercise of his rights as such at the time of his death.

Sec. 2. Be it further enacted, That the certificate of the Judge or Clerk of Probate before whom administration shall have or may hereafter be commenced, shall be evidence to all whom it may concern, any law to the contrary notwithstanding.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

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JOINT RESOLUTION

For the Relief of John Garrett.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 2d Auditor be, and he is hereby authorized, to audit the claims of Captain John Garrett, to the amount of one thousand nine hundred and sixty-three dollars and fifty cents, in the promissory notes of the government; and the 1st Auditor is hereby further authorized to audit the claims of the said Captain John Garrett for ten months' service as Captain of Infantry.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

## AN ACT

To incorporate the Bastrop Steam Mill Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Henry Crocheron, R. S. Reding, R. B. Craft, W. P. Hill and Robert G. Green, together with their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate under the name and style of the "Bastrop Steam Mill Company," with power to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment in any court, or elsewhere, to have a common seal, and the same to alter at pleasure; to elect, in such manner as they shall determine, all necessary officers, and fix their compensations and define their duties; to ordain and establish by-laws for the government and regulation of their affairs; and the same to alter and repeal, and to employ all such agents, mechanics, laborers and servants, as they shall think proper.

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

Sec. 3. Be it further enacted, That the capital stock of said company shall be ten thousand dollars actually paid in, with the privilege of increasing the same to twenty-five thousand dollars.

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

Sec. 5. Be it further enacted, That the stock, property, affairs and business of this company shall be under the care, and managed by not less than five directors, who shall be chosen annually by the stockholders, at such times and places as shall be provided by the by-laws of said company, and

who shall be stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead.

Sec. 6. Be it further enacted, That the directors of this company shall choose one of their number to be President, and shall also choose a Secretary and Treasurer of said company, and such other officers as the by-laws of the company shall prescribe; they may call in future and present subscriptions to the capital stock of said company by instalments in such proportions, and at such times and places as they shall think proper, by giving such notice thereof as the by-laws of said company shall prescribe. And in case any stockholder shall neglect or refuse payment of any such instalment, for the space of twenty days after the same shall become due and payable, and after he, she, or they shall be notified thereof by public advertisement, in the town of Bastrop, the stock of such defaulting stockholder shall, by the directors, be sold at public auction, giving at least thirty days notice thereof; and the proceeds of such sale shall be first applied in payment of the instalment called for, and all other dues to the company and the expenses attending such sale, and the balance shall be refunded to the owner thereof; and such sale shall, in all respects, entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

Sec. 7. Be it further enacted, That a majority of the directors of this company, convened according to their by-laws, shall constitute a quorum for the transaction of business; and a majority of the stockholders present at any legal meeting, and at all meetings of such stockholders, each share shall entitle the stockholder to one vote, as far as ten shares, and no more.

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

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

Sec. 10. Be it further enacted, That the stock of said company shall be deemed and considered personal property, and be transferable only on the books of said company, in such form as the directors of said company shall prescribe, and

said company shall at all times have a lien upon all the stock or property of the members of said company invested therein, for all debts due from them to said company.

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

Sec. 12. Be it further enacted, That nothing in this act shall be so construed, as to authorise banking privileges in any form whatever; and if the company should in any way attempt banking operations, this charter shall be forfeited.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

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#### AN ACT

Entitled an act to amend an ordinance entitled an ordinance, granting bounties of land to volunteers.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That soldiers' claims or bounty lands may be located, in manner and form as prescribed in the 21st section of an act, entitled an act to reduce into one act and to amend the several acts relating to the establishment of a general land office, and all surveys of such claims, or bounty lands, which have been made in accordance with the provisions of said 21st section of the general land law, shall be and are hereby declared legal and valid: Provided, That in no case shall the holder of land scrip, be permitted to lay one claim in more than one place.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.



AN ACT

Defining the place for the receipt of Land Dues.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons indebted to the Government on account of land, be authorised to pay the same, either to the secretary of the treasury or to the president of the board of land commissioners, in the county in which said land may be situated, and to receive a receipt for the same.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

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JOINT RESOLUTION

For the Relief of John W. Eldredge.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Second Auditor, audit the claim of J. W. Eldredge, for the time he actually served as Clerk in the Navy Department which S. R. Fisher, had charge of said Department.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, December 24, 1838.

MIRABEAU B. LAMAR.

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AN ACT

Entitled an Act for the further Protection of the Frontier against the Comanche and other Indians.

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 to accept of the services of eight Companies of Mounted Volunteers, to consist of one Captain, one First and one Second Lieutenant, three Sergeants, and fifty-three Privates, each for the term of six months, to be placed on the same footing as regards monthly pay as Mounted Riflemen in the Ranging Service, agreeably to an Act passed December the tenth, one thousand eight hundred and thirty-six.

Sec. 2. Be it further enacted, That the said Companies shall constitute one Regiment, to be commanded by one Colonel, one Lieutenant Colonel, and one Major, to be appointed by the President.

Sec. 3. Be it further enacted, That for the purpose of carrying into effect the provisions of this Act, the sum of seventy-five thousand dollars is hereby appropriated, and the President is authorized to issue of the promissory notes of the Government such an amount as will be required for immediate purposes.

Sec. 4. Be it further enacted, That the President shall have power to use the troops contemplated in this Act offensively or defensively, as in his opinion the interest of the country may require.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 29, 1838.

MIRABEAU B. LAMAR.

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### JOINT RESOLUTION

For the relief of H. A. Alsbury.

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 H. A. Alsbury, allowing him the pay and rations of Major of Infantry, for the term of sixty-three days, (deducting twenty dollars already paid,) which shall be in full for his services as Interpreter for the post of Bexar, in the year one thousand eight hundred and thirty-five and thirty-six.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, December 29, 1838.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the Relief of R. R. Royall.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 2d Auditor be, and he is hereby required, to audit the claims of R. R. Royall, to the amount of four hundred and forty-eight dollars.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, December 29, 1838.

MIRABEAU B. LAMAR.

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AN ACT

Entitled an Act for the Protection of a portion of the Frontier.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated for the purpose of raising and supporting a Company of fifty-six Rangers for three months, to be commanded by Captain John Wortham, whose duty it shall be to range on the frontier of Houston, or any frontier Counties, and to protect the settlements; which said sum shall be at the disposition of the President.

Sec. 2. Be it further enacted, That it shall be the duty of the Captain of the Company herein created, to report at least every two weeks to Brigadier General K. H. Douglass, and keep him advised of his movements.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

## JOINT RESOLUTION

For the relief of Wm. P. Miller.

Be it Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st and 2d Auditors be, and they are hereby authorized and directed to audit the claims of Colonel Wm. P. Miller, upon his producing proper vouchers.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

## JOINT RESOLUTION

For the relief of H. Sanderson.

Be it Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 2d Auditor be, and he is hereby authorized to admit to audit the claims of H. Sanderson, on account of Naval Supplies, to the amount of ten thousand four hundred and fifty-five dollars, eighty-seven cents; and the Secretary of the Treasury is hereby authorized to issue the Promissory Notes of the Government to that amount, and he is hereby directed to pay the same.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an Act to authorize the 1st Auditor to audit the Claims created under the command of Major General Thomas J. Rusk and others, in a Campaign against the hostile Mexicans and Indians, in the year one thousand eight hundred and thirty-eight.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st Auditor be. and he is hereby authorized and required, to audit the claims created against this Republic by the campaign against the hostile Mexicans and Indians. under the command of Major General Thomas J. Rusk, Major H. W. Augustine, Colonel L. H. Mab-bitt, and Colonel W. H. Landrum, in the same manner that other claims are audited for similar services rendered this Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 1, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of R. R. Royall.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st Auditor be, and he is hereby required to audit the claims of R. R. Royall, to the amount of three thousand two hundred and sixty-nine dollars, Provided said Royall file with the auditor a receipt in full of all claims against the Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 3, 1839.

MIRABEAU B. LAMAR.

## AN ACT

To Incorporate the Town of Raleigh, in Fannin County.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the town of Raleigh, in Fannin County, be incorporated with the same powers and privileges which are granted and conferred by "An Act to incorporate the town of Nacogdoches, and other towns therein named;" passed the thirty-first day of May, Anno Domini one thousand eight hundred and thirty-seven, and on the town of San Augustine, by an Act passed the second of November, one thousand eight hundred and thirty-seven.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 4, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of Elijah Deckrow.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the 1st Auditor be, and he is hereby authorized, to examine the account of Elijah Deckrow, and to audit the same, if proper vouchers are produced, for the sum of four thousand nine hundred and eighty-five dollars.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, January 4, 1839.

MIRABEAU B. LAMAR.

AN ACT

Entitled an Act to extend to late Emigrants, or those who may emigrate within a specified time, a donation of Land.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That every person who emigrated to this Republic since the first day of October, Anno Domini one thousand eight hundred and thirty-seven, or who may emigrate to this Republic by the first day of January, one thousand eight hundred and forty, who is a free white person, and the head of a family, and who actually resides within the Government with his or her family, shall be entitled to a conditional grant of six hundred and forty acres of land, by paying the fees of office and surveying. The Conditions of the said grant shall be, that both grantee, and his or her family, shall remain and reside permanently within this Republic, and do and perform any and all duties required of other citizens, for the term of three years; after which time he, or his legal representatives, shall receive from the Government an unconditional Deed for said grant of land; Provided, that no sale of said claim to land by the individual entitled to the same of this Government shall be valid in law, and binding upon the person selling the same, until an unconditional Deed shall be obtained by the grantee for said land; and in no case whatever shall a grant of that description be made unless it be satisfactorily proven that all the conditions and provisions of the law have been complied with. And all single free white male persons, of the age of seventeen and upwards, who have emigrated to this Republic since the first day of October, one thousand eight hundred and thirty-seven, or who may emigrate to this Republic by the first day of January, one thousand eight hundred and forty, shall be entitled to three hundred and twenty acres of land; and all laws and parts of laws contrary to the meaning and provisions of this act are hereby repealed.

Sec. 2. And be it further enacted, That all permanent resident citizens of Texas who have or may arrive to the age required of emigrants by the above section of this act, shall be entitled to the same quantity of land as emigrants upon the same conditions that emigrants are.

Sec. 3. And be it further enacted, That all officers and soldiers who engaged in the service of Texas previous to the first of March, one thousand eight hundred and thirty-seven, whose families are now here, or who may arrive here by the first day

of January, one thousand eight hundred and forty, shall be entitled to the same quantity of land that they would have been if their families had emigrated to the country with them.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, January 4, 1838.

MIRABEAU B. LAMAR.

### AN ACT

Entitled an act "to have the Seat of Justice of Fannin County permanently located."

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an election shall be held on the first Monday in March next, (one thousand eight hundred and thirty-nine,) to be ordered by the chief justice of Fannin county for three commissioners, who, when elected, shall be fully authorised and empowered to locate the seat of justice of Fannin county permanently, and to do all acts and things necessary to be done in order to locate the same.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

### AN ACT

Explanatory of a joint resolution for the relief of Colonel W. P. Miller.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Colonel W. P.



Miller be entitled to the pay and perquisites of Colonel, until the eighteenth day of December, one thousand eight hundred and thirty-seven, from the date of his commission as such.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 9, 1839.

MIRABEAU B. LAMAR.

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### A JOINT RESOLUTION

Granting to the Quarter Master General or the Secretary of War, equity jurisdiction in the case of G. W. Browning.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Quarter Master General or Secretary of War be required to receive the accounts of G. W. Browning, and to exercise equity jurisdiction in reference thereto.

Sec. 2. Be it further resolved, That the Auditor and Comptroller respect the decision of the Quarter Master General or Secretary of War, in reference to the accounts and pay of said G. W. Browning.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

To change the name of John Finley Callier to John Finley Roberts.

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

name of John Finley Callier be, and the same is hereby changed to that of John Finley Roberts, and that he hereafter bear the name of John Finley Roberts.

Sec. 2. Be it further enacted, That John S. Roberts be, and he is hereby authorised and allowed to adopt said John Finley Roberts as his son, and divide or bequeath to him an equal portion of his property, with the heir or heirs by him begotten.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

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### JOINT RESOLUTION

Creating certain Post Routes therein named.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Post Master General be, and he is hereby instructed to establish from and after the first of January next, a weekly mail between Texana and San Antonio, and so to arrange it, as that it shall leave Texana each and every week, immediately after the arrival of the mail from Houston at Texana.

Sec. 2. Be it further resolved, That the Post Master General be, and he is hereby authorised to contract for a mail route from Victoria to Live Oak Point, once a week.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

AN ACT

Confirming the contract of Messrs. Williams and Burnley for the purchase of a Steam Vessel.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the contract entered into between Samuel M. Williams and James Burnley, Agents of the Republic of Texas, on the part of the Republic, and James Hamilton, owner of the steam vessel Charleston, for the purchase of said boat, at and for the price of one hundred and twenty thousand dollars, be and the same is hereby ratified and confirmed.

Sec. 2. Be it further enacted, That the said James Hamilton shall have the election to demand and receive the whole, sum of one hundred and twenty thousand dollars aforesaid or any part thereof, in land of the Government, at such price as Congress may hereafter establish, to be located on any of the vacant lands of the Republic, in place of the bonds executed by the aforesaid Williams and Burnley, payable five years after date: Provided, such lands shall not be located in tracts less than one league, in accordance with the laws now in force.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the Punishment of Vagrants.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of March, eighteen hundred and thirty-nine, it shall be the duty of all justices of the peace and other civil officers, to arrest all vagrants and idle persons living within their res-

pective jurisdictions, and to examine into their mode and manner of living, and where no visible means can be found sufficient for the support of such individuals, or where no proper exertions are made by the party defendant to obtain an honest livelihood, they shall be adjudged to work for the public, thirty days for the first offence, sixty days for the second, and one year for the third offence, or receive thirty-nine lashes on his bare back.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

#### AN ACT

To repeal an act entitled an act "to encourage Steam Navigation."

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act to encourage steam navigation, (approved December eighteenth eighteen hundred and thirty-seven,) be and the same is hereby repealed; and that in future all steam packets or freight vessels propelled by steam shall pay the same tonnage and other port charges as other vessels do.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

#### AN ACT

For the better defining the Dividing Line between the Counties of Austin and Fort Bend, West of the Brazos.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the dividing line

between the counties of Austin and Fort Bend, west of the Brazos, shall be the Sixteen Mile Creek; and from the source of said creek, to the south east corner of Gabriel Cole's land, and where the said Gabriel Cole now lives, it being a part of the league originally granted to Charles Baird, thence with the lower line of said land to the Bernard river; and all laws conflicting with the provisions of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Entitled an act "for the relief of certain Orphan Children therein named."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the board of land commissioners in and for the county of Shelby be, and they are hereby authorized and required to issue a certificate for twelve hundred and eighty acres of land to Mary Manning, Ann Manning, Richard P. Manning, Elizabeth Manning and Francis Manning, the legitimate heirs of Doctor Joseph Manning and Elizabeth E. Manning, deceased; which shall be located and surveyed as pointed out in the land law now in force, and the commissioner of the general land office shall issue a patent for said land when surveyed as provided by the law aforesaid.

Sec. 2. Be it further enacted, That the dues to Government shall not be required to said land as required on other land claims; neither shall the guardian of said children, or any other person be allowed to sell or dispose of said land or any part of the same, until the youngest child becomes of age, when it shall be equally divided among said children, accor-

ding to quantity and quality, any law to the contrary notwithstanding.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 10, 1839.

MIRABEAU B. LAMAR.

### JOINT RESOLUTION

For the relief of the heirs of Col. William Ward and Robert Collins.

Sec. 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the second auditor is hereby authorised to audit for the heirs of Colonel William Ward or their legal representative, the sum of five thousand six hundred dollars, for expenditures paid by Col. Ward in raising, equipping and bringing troops to Texas, in eighteen hundred and thirty-six.

Sec. 2. Be it further resolved, That the second auditor is hereby directed to audit the accounts of Robert Collins, for the amount of twenty-nine hundred and twenty-six dollars; and the Secretary of the Treasury is hereby directed to pay the same to the Hon. B. C. Franklin, agent for Robert Collins, and that both amounts be paid in the promissory notes of the Government.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 12, 1839.

MIRABEAU B. LAMAR.

### AN ACT

For the relief of R. M. Williamson.

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

board of land commissioners of Washington county be, and they are hereby required to issue to Robert M. Williamson, agent of Benjamin R. Milam, ten certificates for a league and labor of land each, making in all ten leagues and ten labors of land; which the said Williamson, his heirs or assigns be, and they are hereby fully authorized and empowered to locate and have surveyed upon any vacant and unoccupied lands of this Republic, as pointed out and prescribed by the land law.

Sec. 2. Be it further enacted, That the commissioner of the general land office be, and he is hereby authorized and required to issue patents to the said Williamson, his heirs or assigns, upon said certificates, so soon as the office may be opened for the issuing of patents, and that no fees of the Government shall be exacted from said Williamson: Provided also, That said Williamson shall accept the same in full satisfaction of all the claims that he may have on the Government as agent of Benjamin R. Milam.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January, 14 1839.

MIRABEAU B. LAMAR.

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### A JOINT RESOLUTION

For the relief of W. C. White & Co.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby required to audit the claim of W. C. White & Co. to the amount of two thousand two hundred and thirty-seven dollars, and that the second auditor audit for the same individuals the amount of one hundred and eighty-eight dollars.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 14, 1839.

MIRABEAU B. LAMAR.

## A JOINT RESOLUTION

For the relief of Thomas William Ward.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby required to audit the accounts of Thomas William Ward, as Major of Infantry, from the eighteenth of May, eighteen hundred and thirty-six, to the eighteenth of December, eighteen hundred and thirty-seven.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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AN ACT

To authorize the raising of a company of fifty-six men for the ranging service.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars be, and the same is hereby appropriated for the purpose of raising and supporting a company of fifty-six men, to act as rangers for three months, to be commanded by such person as the President may appoint by and with the consent of the Senate, whose duty it shall be to range on the frontier of Gonzales county and protect the settlements; which said sum shall be at the disposition of the President.

Sec. 2. Be it further enacted, That it shall be the duty of the captain of the company herein created, to report to the secretary of war and to the brigadier general of the first brigade, and keep them advised of his movements.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.



AN ACT

Entitled an act granting a divorce to Sophia Aughinbaugh.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sophia Aughinbaugh and Jesse A Aughinbaugh be, and they are hereby declared to be forever divorced, and each party is hereby declared to be free to act in everything as though they had never been married.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNETT,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

Appropriating two thousand dollars for Indian purposes.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of two thousand dollars be, and the same is hereby appropriated to pay off and discharge the arrearages in the department of Indian affairs for the year of eighteen hundred and thirty-eight.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNETT,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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AN ACT

Entitled an act fixing the standard of Silver and Gold Coin in this Republic.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the standard

value of silver and gold coins shall be, and is hereby declared to be the same as is in the United States of America, and the standard by which silver and gold coin is established by the Government of the United States, is hereby adopted for the Government of this Republic.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Entitled an act to authorize the Commissioner of the General Land Office to receive the Government dues on Land.

Sec. 1. 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 receive the Government dues upon all surveys that may be returned to his office.

Sec. 2. Be it further enacted, That the commissioner of the general land office shall pay into the treasury of the Republic, all Government dues received by him at the expiration of every week, as contemplated by the foregoing section of this act.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

To punish certain Offences therein named.

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

*Laws of the Republic of Texas.*

and after the passage of this act, if any person shall be found guilty of harboring or clandestinely supporting any runaway negro slave, or negroes indentured for a term of years, or in aiding and assisting in so doing, on conviction thereof before a court of competent jurisdiction, he shall for such offence be fined in a sum of not less than five hundred nor more than one thousand dollars, shall be imprisoned not less than six months nor more than one year.

Sec. 2. Be it further enacted, That it shall be the duty of the district judge to give this act in charge to the grand jury.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of Colonel James Smith.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor be, and he is hereby authorized and required to audit the accounts of Colonel James Smith for his personal services as captain of cavalry, from the eleventh of April, eighteen hundred and thirty-six, to the sixth of May ensuing, from which period until the fifth of September of the same year, as inspector general, and from the latter period to the first of November as colonel of cavalry, under the appointment of the commander-in-chief.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

*Laws of the Republic of Texas.*

AN ACT

To Incorporate the Towns of Comanche and Waterloo.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the towns of Comanche and Waterloo each be, and they are hereby separately and severally incorporated, and shall have the same powers and be governed by the same rules that are enacted by a law passed at the present session of Congress for the incorporation and government of the town of Milam, except such parts thereof as conflict with the subsequent provisions hereof.

Sec. 2. Be it further enacted, That an election shall be held in said towns, on the first Monday of March in each year, for Mayor and four Aldermen for each town, and the persons so elected shall continue in office one year or until their successors are qualified. The Mayor, so elected, shall be commissioned by the chief justice of the county of Bastrop, and shall have all the powers of a justice of the peace in all matters and cases arising under the criminal laws of the country, and shall be authorized and empowered to enforce and carry into effect such by-laws and ordinances, as the corporation of said town shall from time to time, ordain for the regulation of the police thereof.

Sec. 3. Be it further enacted, That the chief justice of Bastrop county shall issue writs of election for the Mayor and Aldermen of said towns, to be held on the first Monday in March, eighteen hundred and thirty-nine: And the Mayor and two Aldermen of each town shall, on the first Monday in March of every year thereafter, hold said election.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

A JOINT RESOLUTION

For the relief of Msnassah Sevey.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Manassah Sevey be, and he is hereby allowed to change his name to that of William Sevey.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of Lee C. Smith.

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 account of Lee C. Smith, for six months service as captain of cavalry, and also that the usual allowance be made him for such soldiers as he may have enlisted, and that the secretary of war be required to issue in his favor a land certificate for a corresponding term of service.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the Relief of Louis P. Cooke.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the

first auditor be, and he is hereby required to audit the account for pay and emoluments of Louis P. Cooke, in accordance with the commission which he has held and discharged as an officer of the Republic of Texas, up to the date of the disbanding act of December, eighteen hundred and thirty-seven.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION

For the relief of Dr. S. Booker.

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 the claims of Doctor S. Booker for six months and twenty-three days pay as assistant surgeon of the army of Texas.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION

For the relief of William H. Wharton.

Sec. 1. 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 all the accounts which may be presented to him with proper vouchers by the honorable William H. Wharton, late Minister Plenipotentiary to the United States of America, for his expenses during his imprisonment at Matamoras, and for

making his escape from the same: Provided, the amount does not exceed five thousand dollars.

Sec. 2. Be it further resolved, That the secretary of the treasury be, and he is hereby authorized and required to pay the claims contemplated in the preceeding section, with the promissory notes of the Government, a sufficient amount of which is hereby especially appropriated for that purpose.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 15, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Requiring the Secretary of the Treasury to re-open the Books of the Stock Commissioner.

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 cause the stock books of the funded debt to be opened, by the stock commissioner, and to remain open until the first day of January, eighteen hundred and forty, for the purpose of funding the Government liabilities, agreeably to the provisions of the law previously existing upon the subject, and all certificates of Stock issued previous to the first of March next, shall bear interest from the first of September, eighteen hundred and thirty-eight.

Sec. 2. Be it further enacted, That no promissory notes which may hereafter be issued or paid out of the treasury of the Republic shall bear interest; and the holders of promissory notes shall be allowed to fund the same and receive in lieu thereof, shares of stock in the funded debt of the Government.

Sec. 3. Be it further enacted, That all claims which were issued previous to the first of September, eighteen hundred and thirty-seven, and which shall hereafter be funded, shall bear interest from the first of September, eighteen hundred and thirty-seven, and all claims issued subsequent to the first

of September, eighteen hundred and thirty-seven, and which may hereafter be funded, shall bear interest from the first of September, eighteen hundred and thirty-eight.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

The better to define the duties of Recorder.

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 clerks of the county courts to record all deeds, conveyances, mortgages and other liens affecting the titles to land and immovable property, situated within the same, which shall be presented to them for record: Provided, one of the subscribing witnesses shall swear to the signature of the signer, or he himself shall acknowledge the same, which proof or acknowledgement shall be made either before some county court or chief justice of the same, or before the clerk in whose office such instrument is proposed to be recorded, a certificate of which shall be made upon such instrument by the proper officer, and become a part of the record; and all laws contrary to or conflicting with this act be, and the same are hereby repealed, so far as they conflict with or are contrary to the same.

Sec. 2. Be it further enacted, That copies of all deeds, &c. when the originals remain in the public archives, and were executed in conformity with the laws existing at their dates, duly certified by the proper officers, shall be admitted to record in the county where such land lies.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.



AN ACT

To prohibit the driving of Cattle from that part of the Country  
West of the Gaudaloupe.

Whereas, Many persons have heretofore driven horses, cattle and other animals to which they had no claim, but which were the property of others from that section of the Republic west of the river Guadalupe to other parts, and whereas this practice arising and hitherto allowed solely on account of the unsettled and disorganized state of the country, is illegal and has inflicted much and serious injury upon many citizens of the Republic: Therefore,

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any person or persons, who shall after the passage of this act, drive or cause, aid or abet in the driving of any horses, cattle or domestic animals of any kind, which are not his or their legal property from that section of the Republic west of the Gaudaloupe river, to any other section of the same, shall be deemed guilty of felony, and on conviction thereof shall suffer the punishment inflicted for a violation of the fifteenth or seventeenth sections, as the case may be, of an act entitled an act punishing crimes and misdemeanors.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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AN ACT

To establish a Mail-Route from Clarksville to Shelton.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Post Master General is hereby authorized and required to establish a mail-route once every two weeks from Clarksville to Shelton on Sulphur Fork; and that a post office be established at Shelton.

Sec. 2. Be it further enacted, That this act shall be in force from and after its passage.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION

For the relief of James R. Cooke.

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 authorized and required to audit the claim of James R. Cooke for the sum of five hundred and fourteen dollars and forty-one cents, and to issue to him a draft on the treasury of the Republic for the same, payable in the promissory notes of the Government.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION

For the relief of William H. Monroe and Noah Smithwick.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the secretary at war be, and he is hereby authorized and required to issue one certificate to William H. Monroe, and one to Noah Smithwick, for twelve hundred and eighty acres of land each, on

presenting their discharges, signed by William H. Moore, captain of rangers.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of Byrd Lockhart.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the stock commissioner be, and he is hereby authorized to pay to Byrd Lockhart or order, the interest on four certificates of stock, he purchased, of one hundred dollars each, amounting to forty dollars: Provided, The said Lockhart file with the stock commissioner, the power of attorney given by the original holder to him to draw the interest.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of L. M. Hitchcock.

Sec. 1. 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 required to pay to L. M. Hitchcock the sum of nine thousand two hundred and

ninety-three dollars, with interest thereon at the rate of ten per cent. per annum, from the eighteenth day of January eighteen hundred and thirty-eight, until the amount be paid.

Sec. 2. Be it further resolved, That the secretary of the treasury pay to said Hitchcock, the sum of fifteen hundred dollars damages, to be paid also in the promissory notes of the Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

### A JOINT RESOLUTION

Making an Appropriation for the Salary of the Secretary of Legation.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of one thousand dollars be, and the same is hereby appropriated to defray in part the salary of the Secretary of Legation near the Government of the United States at Washington.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

### AN ACT

Repealing the 26th section of an act establishing the jurisdiction and powers of the District Courts, so far as relates to the descendants of Indians.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so

much of the twenty-sixth section of an act entitled an act establishing the jurisdiction and powers of the District Courts, as relates to the descendants of Indians be, and the same is hereby repealed.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of James Anson Dunn.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor is hereby authorized and required to audit the account of Doctor James Anson Dunn, for pay as surgeon from the twelfth day of April, eighteen hundred and thirty-seven, to the twenty-eighth day of December of said year inclusive; and that the Secretary of War grant him his bounty land for said term of service.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of A. P. Walden.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the second auditor be, and he is hereby authorized and directed to audit in favor of A. P. Walden, and that the treasurer be required to

issue in promissory notes of the Government to said Walden, the amount of one hundred dollars; which sum shall be in full for a draft in favor of A. P. Walden, on the former Quarter Master General.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

### A JOINT RESOLUTION

For the relief of John Matthews.

Resolved 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 the claim of John Matthews, for the sum of two hundred and fifteen dollars; that being the amount of his claim against the Government for two mules and one yoke of oxen, furnished the army in the year eighteen hundred and thirty-six.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

### A JOINT RESOLUTION

For the relief of John White.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the board of land commissioners of Harrisburg county be, and they are hereby required to issue to John White or his heirs, two certificates for a league and labor of land each, and that said White be, and he is fully authorized and empowered to locate, have surveyed and obtained patents on said claims of lands, in the manner

pointed out and prescribed by the land law now in force: Provided, the said White with his family remove to this Republic and become permanent citizens within two years from and after the passage of this act.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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### A JOINT RESOLUTION

For the relief of Holland, Coffee & Co.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer be, and he is hereby authorized and required to pay to Holland, Coffee & Co. the sum of six hundred and sixty-one dollars, being the amount appropriated to said Coffee and Company by an act of Congress, passed at the first session of the second Congress: Provided, however, that said Coffee and Company shall give bond and security to the Treasurer, to be approved of by him, that the audited draft for the said sum shall be returned to the Treasury.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNETT,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

### AN ACT

Entitled an act to create a Board or Tribunal for the examination and auditing of claims against the Government in certain cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first and second auditors, together with the comptroller be, and they are hereby constituted a board or tribunal for the

examination and auditing of all claims against the Government, which the first or second auditor may not be authorized by the present laws to audit; that they shall have the powers of a court of equity, and it shall be their duty to examine into all claims of whatever amount, founded in equity and justice, in relation to the redemption of which the present laws have made no provision.

Sec. 2. Be it further enacted, That it shall be the duty of said tribunal to meet every Saturday, or oftener at their discretion, in the first auditor's office, for the purpose of adjudicating on such claims as may be presented to them, that the regular duties of their respective offices shall be suspended on said day, and it shall be the duty of the secretary of the treasury to attend the sessions of said tribunal, to represent the interests of the Republic.

Sec. 3. Be it further enacted, That no claims of any character shall be presented to Congress or the President until they have been first presented to said board or tribunal, and that it shall be the duty of the petitioner taking the appeal, to furnish the committee to whom such rejected claim may be referred, to file with his petition the opinion of the secretary of the treasury, containing the reasons which induced the board to reject said claim, which reasons he shall furnish to said petitioner.

Sec. 4. Be it further enacted, That it shall be the duty of the said board to state in their decision whether the claimant is entitled to the promissory notes of the Government or not; which said decision shall be returned and filed in the office of the proper auditor, and constitute a part of the records of his office, whose duty it shall be to issue to the claimant, the proper certificate or draft for the same.

Sec. 5. Be it further enacted, That said board shall hold their sessions between the hours of ten o'clock a. m. and one o'clock p. m. and between the hours of 3 o'clock and 5 p. m.

Sec. 6. Be it further enacted, That all laws and parts of laws contrary to the meaning of this act be, and the same are hereby repealed, from and after the passage of this act.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 21, 1839.

MIRABEAU B. LAMAR.



AN ACT

Supplementary to an act entitled an act to dispose of Galveston and other Islands of the Republic of Texas, approved, June 12th, 1837.

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 authorized and required to cause to be surveyed on the East end of the Island of Matagorda, six hundred and forty acres of land in such form as will best suit for a town site, and to cause the same to be laid out into lots, as to him the said secretary shall deem best, considering the locality of the place.

Sec. 2. Be it further enacted, That so soon as said town shall be surveyed, and the plan of the same returned to the secretary, it shall be his duty to advertise the same for sale, at a day by him to be fixed upon, in all the newspapers published in this Republic, and also in at least three published in the city of New Orleans.

Sec. 3. Be it further enacted, That the sale of said town lots shall be at the State House of this Republic.

Sec. 4. Be it further enacted, That the lots in said town shall be offered and sold for no other currency than gold silver, audited paper, or the promissory notes of this Government.

Sec. 5. Be it further enacted, That the secretary of the treasury be, and he is hereby authorised to pay the expenses of surveying, advertising and sale, out of the first money received from the sales aforesaid.

Sec. 6. Be it further enacted, That the said lots shall be sold on the following terms, viz: One fourth part to be paid down, and the other three fourths to be in equal instalments of six, twelve and eighteen months.

Sec. 7. Be it further enacted, That if any person who shall purchase any of the aforesaid lots, shall fail to make payment of the several instalments in conformity with this act, he or they shall forfeit all such sums as they may have previously paid, and the lots purchased by such defaulter, shall revert to the Government of this Republic.

Sec. 8. Be it further enacted, That all persons, aliens not excepted, shall have the privilege of purchasing and holding the same; and the President is authorized to issue patents to them, so soon as the last instalment shall have been paid.

Sec. 9. Be it further enacted, That the town contemplated by this act shall be known by the name of the town Calhoun.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 21, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Supplementary to an act entitled an act to authorize the President to negotiate a loan upon 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 this Republic be authorized by his letters patent to empower the commissioners, appointed to negotiate a loan under the authority of an act, passed the sixteenth May, eighteen hundred and thirty-eight, entitled "an act to authorize the President to negotiate a loan on the bonds of the Government, not exceeding five millions of Dollars," to affix the seal of this Republic to any bond or bonds or certificates of stock they may issue, sell or negotiate, by virtue or under the authority of said act.

Sec. 2. Be it further enacted, That in the event of a loan being obtained, either for the whole sum of five millions of dollars or for any part thereof, it shall be the duty of the lender or lenders, to deposit the sum for which they have contracted in the Bank of England, if the loan be negotiated in England, and in like manner the deposite to be made by the lender or lenders in the Bank of the United States of Pennsylvania for all such sums of money contracted to be loaned.

in the United States; and all such deposits shall be made in the name and to the credit of the Republic of Texas, and the disposition of all sums of money so deposited as aforesaid shall be made upon the order of the President of this Republic, countersigned by the secretary of the treasury.

Sec. 3. Be it further enacted, That in case of the death of either one of the commissioners appointed to negotiate the aforesaid loan pending any negotiation, the surviving commissioner shall have full power to seal, execute, sell and deliver any bond or bonds, issued under the aforesaid act, as full and perfectly as if they were all present and acting.

Sec. 4. Be it further enacted, That in case the said sum of five millions of dollars or any part thereof should be negotiated by virtue of the aforesaid act of the sixteenth May, eighteen hundred and thirty-eight, in addition to the general pledge of the faith and credit of this Republic, contained in said act for the payment of the interest and redemption of the principal of said loan, so much of the revenues of the Republic as may be necessary, shall be set apart and semi-annually remitted to the Bank of the United States in Philadelphia, to meet the semi-annual interest on any bond or bonds issued under said loan; and as soon as the Government shall deem it expedient to sell the public lands, of the proceeds thereof, three hundred thousand dollars shall be annually appropriated and set apart, and invested in public securities or corporate stocks, to form a sinking fund for the ultimate redemption of the aforesaid loan of five millions of dollars, which said appropriation shall be continued annually to be made, until with the interest accruing and accumulating on the same, a sum shall be raised equal to the said five millions of dollars, or any part thereof which may have been negotiated.

Sec. 5. Be it further enacted, That the fifth section of the aforesaid act of the sixteenth May, eighteen hundred and thirty-eight be, and the same is hereby repealed.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 22, 1839.

MIRABEAU B. LAMAR.

## AN ACT

To authorize the President to negotiate a loan of one million 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 one million of dollars, which bonds shall be made payable to bearer, be transferable by delivery, and bearing an interest on the face thereof, at a rate not exceeding eight per cent. per annum, and the principal and interest to be paid to the holders thereof at such time and place and in such manner as may be agreed on and stipulated therein, and to be redeemable in ten years from the day of date.

Sec. 2. Be it further enacted, That the President by and with the advice and consent of the Senate shall appoint a commissioner, who shall have power within the United States of America 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 shall communicate to him through the secretary of the treasury, and the said commissioner shall have power to agree and stipulate that the holder or holders of the bonds so issued 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 price fixed by the Government, at the time of the sale of their public lands, and if said lands are sold at auction, any of the said holders shall be allowed to bid, and pay the amount of their purchases with any of said bonds, in like manner as they are permitted to do at the fixed prices of the Government.

Sec. 3. Be it further enacted, That the commissioner shall have power to negotiate and sell such bonds for the notes of any bank or banks paying specie at the time of the sale, and shall have power to stipulate that the notes of any bank or banks purchasing such bonds shall be received in payment of all public dues, so long as said bank or banks

shall be in good credit, and redeem their notes when presented in gold or silver.

Sec. 4. Be it further enacted, That the bonds issued under the provisions of this act shall be signed by the President and countersigned by the secretary of the treasury, and be under the seal of the Republic, and upon the sale of any bond or bonds, the purchaser or purchasers thereof shall deposit the proceeds of the sale in such banks in the United States as the President shall direct, to the credit of the Republic of Texas, and all such money shall be held by such bank subject to the order or draft of the President; which order or draft shall be countersigned by the secretary of the treasury, and the said bank shall forthwith notify the secretary of all deposits made to the credit of this Government, and the said commissioner shall from time to time inform the secretary of the treasury of all transactions done by authority of this act.

Sec. 5. 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, and so much of the receipts from the customs and the proceeds of the sale of the public lands, as may be necessary to carry into effect this pledge.

Sec. 6. Be it further enacted, That it shall be the duty of the secretary of the treasury, should the loan be effected, to lay before each and every Congress, early in the session, a statement of all the sales of bonds that may have been effected, the expenses accruing thereon, and what disposition has been made of the proceeds of the same.

Sec. 7. Be it further enacted, That full power and authority is hereby vested in the President of this Republic, to effect the loan contemplated by this act, upon such terms and conditions as he may deem beneficial to the country, and he shall give instructions to the commissioner to be signed and sealed by him, and every act of the commissioner within the limits of the instructions given by the President, shall be valid and as binding in this Republic as if done by the President: Provided, that the expenses incurred in negotiating the loan on the part of the commissioner shall not exceed one per cent. in the amount borrowed.

Sec. 8. Be it further enacted, That nothing in this act shall be so construed as to effect the law of the sixteenth May,

eighteen hundred and thirty-eight, authorizing the President to negotiate a loan of five millions of dollars.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved, January 22, 1839.

MIRABEAU B. LAMAR.

## AN ACT

For the relief of John G. Love and R. C. Doome.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John G. Love, late collector of the district of San Augustine and R. C. Doome, now collector of the Port of Sabine, be, and they are hereby allowed for their services as collectors of said Ports, at the rate of two thousand dollars per annum: Provided, it is in full for all services performed as such collectors per annum.

Sec. 2. Be it further enacted, That the secretary of the treasury be, and he is hereby authorized to settle with said collectors in accordance with the provisions of the first section of this act.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved, January 22, 1839.

MIRABEAU B. LAMAR.

## AN ACT

For the relief of Master Builders and Mechanics of Texas.

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, master builders and mechanics of every denomination, contracting in writing to put up and erect buildings of any or every description, shall have a lien in the nature of a mortgage on all such buildings as they

may put up or erect or work upon, and also upon the tract, parcel or lot of land upon which such building or buildings shall be put up and erected, until the price or compensation for services and for materials found shall be fully paid and satisfied, unless a contrary stipulation be made and agreed upon at the time it is entered into: Provided always, That such lien shall not have a priority over bona fide mortgages or legal incumbrances existing anterior to the time of the contract being made, if the said mortgages or legal incumbrances shall duly be recorded according to law: Provided also, That in all cases such builder or mechanic shall have an exclusive lien on all improvements made by him, to the extent of his claim for the same.

Sec. 2. Be it further enacted, That every contract made and entered into as aforesaid, shall be recorded in the office of the Clerk of the county, when such building as aforesaid shall be erected and put up within the space of thirty days after the contract is made, or otherwise the said lien shall cease, and be inoperative.

Sec. 3. Be it further enacted, That when suit shall be brought by any master builder or master builders, mechanic or mechanics, upon any contract made, executed and recorded as aforesaid, and a judgment or decree shall be rendered in favor of such master builder or mechanic, execution for the amount of the same may be levied upon the tract, parcel or lot of land upon which such building or buildings have been put up and erected, as well as upon the buildings and improvements thereupon erected and made, and all the right, title and interest which the defendant had in and to the said tract, parcel or lot of ground at the time the contract was entered into, as well as the building and improvements erected and made thereon, may be sold to satisfy such judgment or decree: Provided, nevertheless, That nothing in this act contained shall prevent such master builder or mechanic from levying his said execution upon any other property belonging to the person or persons against whom such judgment or decree shall have been rendered.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

## AN ACT

Entitled an act supplementary to an act entitled an act creating a General Post Office.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the Vice President of the Republic shall be, and he is hereby entitled to have his letters and newspapers to and from, conveyed by post, free of postage.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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AN ACT

Entitled an act to amend the Judiciary Laws of the Republic.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the punishment of branding for the crime of manslaughter be, and the same is hereby repealed. (See section 3d of the act for punishing crimes and misdemeanors.)

Sec. 2. Be it further enacted, That section fifth of "an act establishing fees of office," approved December nineteenth, eighteen hundred and thirty-six be, and the same is hereby repealed, and that the Clerks of the district court shall hereafter add to the bill of costs, a tax of three dollars in every suit or action instituted in said courts, and the Clerks of the county courts shall in like manner add a tax of one dollar to be paid by the party cast in each suit; which tax when so collected, shall be paid into the county treasury of the proper county.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.



AN ACT

To alter the time of holding the District Courts in the Fourth Judicial District.

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 day of August, eighteen hundred and thirty-nine, the time and manner of holding the district courts for the fourth judicial district shall be the following: Commencing in the county of Bexar, on the second Mondays in October and March, and may continue in session until the Friday before the first Mondays in November and April; in the county of Gonzales the district Court shall be holden on the first Mondays in November and April, and may continue in session six days; in the county of Jackson, on the second Mondays in November and April, and may continue in session six days; in the county of Victoria, on the third Mondays in November and April, and may continue in session six days; in the county of Goliad, on the fourth Mondays in November and April, any may continue in session six days; in the county of Refugio, on the first Monday after the fourth Mondays in November and April, and may continue in session six days; in the county of San Patricio, on the second Monday after the fourth Mondays in November and April, and may continue in session six days.

Sec. 2. Be it further enacted, That so much of an act passed the twenty-fourth of May, eighteen hundred and thirty-eight, entitled an act to amend an act entitled an act establishing the district courts, as may be contrary to the provisions of this act be, and the same is hereby repealed.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

## AN ACT

For the relief of the Heirs of David Thomas.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the second auditor be, and he is hereby authorized and required to audit the claim of David Thomas as a member of the General Convention in the year of eighteen hundred and thirty-six.

Sec. 2. Be it further enacted, That the said auditor be required to audit the claim of the said David Thomas as Attorney General for the term of time he served as such.

Sec. 3. Be it further enacted, That the secretary of war be authorized to issue to the legal representatives of said David Thomas, the quantity of land scrip to which he is justly entitled.

Sec. 2. Be it further enacted, That the secretary of the treasury be authorized to pay the legal representatives of said David Thomas, in the promissory notes of the Government, the amount of his claims.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

To legalize certain acts therein named.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the acts and doings of legal adjudication, which have been done at the town of Nashville in Milam county, and are required to be done at the county seat, shall remain and be as legal and valid in law as though they had been transacted at the county seat of said county.

Sec. 2. Be it further enacted, That the town of Nashville shall be the county seat of the county of Milam, until an election shall have been holden by the qualified voters of said county for its permanent location.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

To establish a new Mail Route.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Postmaster General be, and he is hereby authorized and required to put into immediate operation a weekly mail from the town of Crockett, in Houston county, to the town of Houston in said county, by the way of Brownville, any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That the Postmaster General be, and he is hereby authorized to contract for carrying the mail once a week from Myrtle Springs, in Red River county to the town of Fulton, on Red River.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### A JOINT RESOLUTION

For the relief of William K. Rivier and James Stonum.

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 grant to William K. Rivier and James Stonum, honorable discharges for a term of three months service in the army, under the command of Captain John Hart, of the volunteer cavalry of Red River county, in the year 1836.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Granting a divorce to George Fisher and Elizabeth Fisher.

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, George Fisher of this Republic, and Elizabeth Fisher, formerly Elizabeth Davis of the State of Mississippi be, and they are declared to be forever divorced, "a vinculo matrimonii;" and each party is hereby declared to be as competent to contract as though they had never been married.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Supplementary to an act entitled an act establishing the Fees of Office.

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

all criminal prosecutions, when the party accused shall not be convicted, the fees of the District Attorney conducting such prosecutions shall be paid by the Republic; and the provisions of this section of this act shall extend to all such prosecutions as have been instituted since the 18th of December, 1837.

Sec. 2. Be it further enacted, That from and after the passage of this act, in every action instituted in behalf of the Republic, for the recovery of any monies on pecuniary penalties of any kind, in addition to the tax fee now allowed by law, the District Attorney conducting such action shall be entitled to receive five per cent. on the amount recovered.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Granting a divorce to Louisa Beasly.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Louisa Beasly and Seymore S. Beasly be, and they are hereby declared to be forever divorced, and each party is hereby declared free to act in every thing as though they never had been married.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

## AN ACT

Entitled an act to define the time of holding Justice's Courts.

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, Justices' Courts shall be held in the different counties of this Republic on the fourth Saturday in every month, and no oftener, any law, custom or usage to the contrary notwithstanding.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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AN ACT

Entitled an act supplementary to the Judiciary Laws of the Republic.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when any party to a suit or action, either as principal or security, maker or endorser, founded on any bond, bill, promissory note, or other written contract, covenant or agreement whatsoever, shall deny his signature, he shall be required to do the same under oath.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

For the relief of a certain person therein named.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first auditor

be and he is hereby authorized and directed to audit the certificate of Edward Burleson, commander-in-chief, in favor of David Garner, for the sum of eighty-nine dollars.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### A JOINT RESOLUTION

For a certain person therein named.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act of the late Executive, withdrawing the application of this Republic for admission into the American Union, meets with the approbation and ratification of Congress.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Entitled an act to define the time of Sheriff's sales, and the manner of advertising.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, all sheriff's sales, and administrator's or executor's or guardian's sales of real estate or personal property, or a right growing out of the same, shall be made on the first Tuesday in every month, which sales shall take place between the hours of 10 o'clock a. m. and 4

o'clock p. m., at the court-house door of the county in which said sales are made.

Sec. 2. Be it further enacted, That all such sales of real estate shall be advertised thirty days in some public gazette or newspaper, before the sale takes place, and all personal property shall be advertised in like manner for twenty days before the day of sale: Provided, There is a public gazette or newspaper published in the county, or in an adjoining county to where such sale takes place; and said sales shall also be advertised at the court-house door of the county in which said sale takes place and at other public places; and all laws and parts of laws contrary to the true intent and meaning of this act be, and the same are hereby repealed.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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#### AN ACT

To translate the Laws of the Republic into the Castilian language and promulgate the same.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in justice to that numerous portion of our fellow citizens who understand only the Castilian language, and who are consequently wholly ignorant of the most important laws to which their obedience is required, the Secretary of State shall be authorized to contract with some person properly qualified, for the translation and compilation of such general and penal enactments as have been made by the former and present Congress; that a sufficient number of copies of the same shall be printed and distributed in those counties where the population alluded to may reside; and that in future all general enactments shall as soon as practicable be translated into the Castilian language, and transmitted to the Chief Justice and Jus-



tices of the Peace of said counties, who shall give due publicity to said laws; any laws to the contrary notwithstanding.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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AN ACT

To establish a Port of Entry, to be called La Vaca.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the following designated district shall be a port of entry: Commencing at the dividing line between the counties of Matagorda and Jackson, on the bay of Matagorda, thence to the mouth of the La Vaca river, thence around the head of La Vaca bay, and down the west bank of said bay to the Pass de Cavallo, embracing all the creeks, landings or other places where goods may be landed, within said limits.

Sec. 2. Be it further enacted, That the above named port of entry shall be conducted by a Collector, and all other officers as he may deem proper for the better securing the revenues of this Republic, accruing from the importations of merchandize into the said district.

Sec. 3. Be it further enacted, That it shall be the duty of the boarding officer at the Pass Cavallo to board all vessels bound for the La Vaca bay, and despatch them in the same manner as if they were bound for Matagorda.

Sec. 4. Be it further enacted, That the Collector who may be appointed under the provisions of this act, shall be authorized to establish his office in such part of the collectoral district herein provided for, as he may deem most convenient, and best adapted to secure the duties.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

## AN ACT

To provide for the raising of three Companies of Mounted Volunteers for frontier service against the hostile Indians.

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 to accept the services of three companies of mounted volunteers for immediate active service, on the frontiers of Bastrop, Robertson and Milam counties, for the term of six months, unless sooner discharged, to be mounted and armed and equipped at their own expense, each company to consist of one captain, one first lieutenant, one second lieutenant, three sergeants and fifty-three privates; the men composing each company will elect the officers of the company, and the officers and men of said companies will elect a major to command them.

Sec. 2. Be it further resolved, That the said companies shall be allowed the same pay, except the bounty of land, as is granted by the law defining the pay of mounted riflemen in the ranging service, approved 10th December, 1836.

Sec. 3. Be it further resolved, That upon the receipt of the final muster rolls at the War Department, after the discharge of said companies, the President be authorized to order their payment out of any money that may be in the treasury not otherwise appropriated.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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A JOINT RESOLUTION

Providing for the printing of the Rules and Regulations of the army of this Republic.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That one thousand copies

of the rules and regulations for the government of the army of the Republic of Texas, be printed under the inspection of the Secretary of War, and that he issue to all officers of the army a copy thereof, charging them respectively with the cost thereof, and fifty per cent. additional, and that the monies received for the same shall be paid into the treasury for the use of the Republic.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION

For the relief of A. J. Yates.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby directed to audit the claims of A. J. Yates for seventeen hundred and fifty-nine dollars, on his giving a receipt in full to this Government for all services rendered to this Republic as agent or commissioner of loans for this Republic; and the secretary of the treasury is hereby directed to pay the above in the promissory notes of this Government.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION

For the relief of J. H. Starr and J. S. Roberts.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the secre-

tary of the treasury be, and he is hereby authorized and required to receive from James H. Starr, receiver of public monies at Nacogdoches, a certificate or claim against this Government for three thousand three hundred and twenty-six dollars and seventy-nine cents, given to J. S. Roberts by William G. Cooke, Quartermaster General, on the 9th December, 1838, at par valuation with the treasury notes of this Republic.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION.

Supplementary to the joint resolution for appointing two legal gentlemen to compile a code of laws for the Republic of Texas.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the commissioners appointed under the act to which this is a supplement, shall have the power and they are hereby authorized to employ a clerk; and the sum of one thousand dollars is hereby appropriated for the purchase of books to enable said commissioners to discharge their trust, which said books shall at the completion of the code belong to the Republic; and the secretary of the treasury is hereby authorized and required to pay what is herein appropriated, on the draft of said commissioner, or either of them, as well as the pay of the clerk.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

AN ACT

Authorizing the Auditor to discharge certain duties.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be, and he is hereby required to audit the account of any county surveyor for work executed for the Republic, agreeably to law: Provided, That the claimant shall present the certificate of the Commissioner of the General Land Office, that the work for which pay is demanded has been properly executed, and that the Republic is thereby justly indebted to the claimant in that amount.

Sec. 2. Be it further enacted, That all accounts audited under the provisions of the first section of this act, shall be paid in promissory notes.

Sec. 3. Be it further enacted, That the auditor is hereby directed to audit and the treasurer to pay all county surveyors for making complete or connected plats of their respective counties, such amount as the Board of Land Commissioners for the counties in which they reside, shall deem a proper compensation for making said map: Provided, The Commissioner General of the Land Office shall approve the same, both as to the execution of the work and the amount of remuneration; and all such certificates shall be sufficient voucher for the action of the auditor.

JOHN M. HANSFORD,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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AN ACT

Entitled an act to compel all Government Officers to receive the Promissory notes of the Government for all dues that may accrue to them in the discharge of the duties of their Office.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from

and after the passage of this act, no county surveyor, or any officer whatever, except District Judges and the Chief Justice, who may hold office or commission under or by the sanction of this Republic, shall demand any other currency for the dues or appurtenances of their office or appointment, other than that of the promissory notes of this Republic; and that for a violation of the provisions of this act, the individual so offending shall forfeit his appointment, office or commission.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 19, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

To be entitled an act giving to the President the power to fill vacancies.

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 to fill all vacancies that may happen during the recess of Congress, in such offices as are filled by joint vote of both Houses of Congress; and that he be required to report the same to Congress within ten days after the next Congress shall convene.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 23, 1839.

MIRABEAU B. LAMAR.

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### AN ACT

Appropriating money to defray the expenses of the various departments of the Government.

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

three hundred and eleven thousand dollars be, and is hereby appropriated for the payment of the expenses of the various departments of this Government for the past and current year; and the secretary of the treasury is hereby directed to issue the promissory notes of the Government for that amount, and pay them out to the order of the proper officers of the Government.

Sec. 2. Be it further enacted, That ten thousand dollars of the above appropriation is specially set apart as a contingent fund, to be drawn from the treasury under the signature of the President, countersigned by the secretary of the treasury, for such purposes as he may deem proper.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.

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#### A JOINT RESOLUTION

For the relief of James C. Boyd.

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 claim of James C. Boyd for six months services as a spy to the cavalry, at twenty-five dollars per month, deducting forty-eight dollars already paid, and also allow him one hundred and twenty-dollars for a horse lost in the service, and that the secretary of war allow him a certificate for a corresponding quantity of land.

JOHN M. HANSFORD,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved, January 24, 1839.

MIRABEAU B. LAMAR.