

Sec. 9. Be it further enacted, That in case of a call, by draft, on the militia, by order of the President, he shall be authorized to receive volunteers in lieu of drafted men; and that the said volunteers be authorized to elect their own officers, and report themselves by companies, battalions, or regiments, as the case may be.

Sec. 10. Be it further enacted, That hereafter the county of Harrison shall be included in the third brigade of Texas militia; and the counties of Bowie, Red River, Lamar, Fannin, and Harrison, shall each constitute one regiment.

Sec. 11. Be it further enacted, That all persons who shall leave the county, or move about within the limits of the same, for the purpose of evading a participation in the defence of the country, who shall refuse to participate in it, or who shall give aid or assistance to the enemy in any way whatever, they shall forfeit all rights of citizenship, together with all rights, titles, or interest to any lands they may hold in the republic, agreeable to the eighth section of the general provisions of the Constitution: provided, that nothing in this act shall be so construed as to authorize the President to call out either militia or volunteers, except to suppress insurrection or to repel invasion.

Sec. 12. Be it further enacted, That all volunteers, when they are mustered into service, may organize themselves into companies, battalions, regiments, and brigades, and when any mixed troops are called out, part volunteers and part drafted men, and shall apply to the commander-in-chief, or the commandant of the expedition so ordered out, they shall be permitted to elect their own officers; and any companies which shall be called into service, and not enough to form a battalion, the commandant of the expedition shall have power to attach them to any other battalion or regiment: and that this act take effect from and after its passage, any law to the contrary notwithstanding.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved January 18th, 1841.

DAVID G. BURNET.

AN ACT

Supplementary to an Act entitled "An Act" Authorizing the issuing of Duplicate Land Warrants, Discharges, and Head-rights, on certain conditions.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any person who may have lost land scrip or audited drafts, be, and they are hereby included, in the above recited act, "approved January the fourteenth, one thousand eight hundred and forty," by complying with the conditions of the above recited act; provided, that the owner, if an alien, of said claim, shall previous to the applying for a duplicate of the same, make or cause publication to be made for sixty days in a newspaper published at the seat of government of Texas.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved 15th January, 1841.

DAVID G. BURNET.

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AN ACT

To amend the several Laws establishing a General Post-Office.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of State be, and he is hereby authorized to contract for the conveyance of the mails during the year one thousand eight hundred and forty one, on any of the routes heretofore established by law: provided, the annual expense of carrying the mails weekly on such routes shall in no instance exceed ten dollars, in par funds, or its equivalent, a mile; provided, that in all cases the lowest bidder shall have the preference, if he shall give sufficient security.

Sec. 2. Be it further enacted, That the rates of postage as heretofore fixed by law, be, and they are hereby doubled, and shall be twice the amount of the rates heretofore established; and on any letter intended to be conveyed by any ship or vessel, beyond sea, or received from any place beyond sea, by any ship

or vessel, there shall be paid at the time of its reception, a postage of fifty cents.

Sec. 3. Be it further enacted, That it shall be the duty of the Secretary of State to advertise in three of the gazettes or public newspapers in this republic, forty days previous to letting out or contracting for the transportation of the mails on any of said routes, setting forth all the necessary requisitions therein, agreeably to law.

Sec. 4. Be it further enacted, That the sum of fifty thousand dollars in the promissory notes of the government, and all the monies arising from the receipts of the post-office department for the year one thousand eight hundred and forty-one, be, and the same are hereby appropriated for the purpose of carrying this act into effect.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved 28th January, 1841.

DAVID G. BURNET.

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#### AN ACT

Supplementary to "An act for the benefit of Settlers residing near the Boundary Line of the United States, in the Counties of Red River and Harrison."

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 county surveyors of Harrison, Panola, Paschal, Bowie, Red River, and Lamar, to survey any order of survey or certificate obtained in accordance with the act to which this is a supplement; anything in the laws to the contrary notwithstanding. And this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

Appropriating ten thousand Dollars, in par funds, to defray the expenses of Running and Marking the Boundary Line between the Republic of Texas and the United States of America.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of ten thousand dollars, in par funds, be, and the same is hereby appropriated to defray the expenses of surveying and marking the boundary line between the Republic of Texas and the United States of America.

Sec. 2. Be it further resolved, That the commissioner is hereby authorized to draw upon any department of the government for said funds; and that the heads of the different departments are hereby required to hold all par funds now in their possession, subject to the order of said commissioner.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved November 23d, 1840.

MIRABEAU B. LAMAR.

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AN ACT

Supplementary to the Act of Limitation.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That to prevent difficulty in the construction of the Act of Limitation, passed at this session of Congress, it is hereby declared that said act applies no less to foreign than to domestic claims.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

## JOINT RESOLUTION

Authorizing the Secretary of State to draw for the Appropriation to run the Boundary Line.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of State be, and he is hereby authorized and directed to draw from the war department, or any other department of the government, any amount of par funds which may have been appropriated by the act of the present session of Congress, making provisions for running the boundary line between this republic and the United States of the North; and that said Secretary of State, as early as practicable, forward such amount to George W. Smyth, Esq., commissioner of this republic.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved November 26th, 1840.

MIRABEAU B. LAMAR.

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AN ACT

To Repeal a portion of an act for Creating Funds for the support of Government, for the year 1840.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That so much of the above recited act as relates to the further issue of bonds, or the paying out of the same, be, and the same is hereby repealed.

Be it further enacted, That the above act take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved 10th December, 1840.

MIRABEAU B. LAMAR.

AN ACT

Supplementary to "An Act Regulating Sales by Judgment or Decree of a Probate Court or Court of Chancery.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all sales of the property of any deceased person, made by any administrator, curator, or guardian, under or by the order, judgment or decree of any probate court, or court of chancery, shall be made on a credit of twelve months; any conflict in the act to which this is a supplement, to the contrary notwithstanding. And this act shall take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

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AN ACT

Requiring the Chief Justices of counties to issue writs of Election in certain cases.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That from and after the passage of this act, it shall be the duty of the Chief Justices of the several counties of this republic, to issue writs of election, to fill all vacancies which may occur in the office of clerk of the county court, clerk of the district court, or county surveyor, for their respective counties, whether such vacancies should occur from death, resignation, or otherwise, such elections shall always be to fill the unexpired term of the predecessor in office, and such elections shall be governed by the laws regulating elections.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 3d, 1841.

DAVID G. BURNET.

## AN ACT

Securing the right of Appeal from the Justices' to the District Courts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all appeals which have heretofore, by the existing laws, been taken to the county courts respectively, shall hereafter be taken to the district courts, under the rules and regulations prescribed in the fifteenth section of an act establishing the jurisdiction and powers of the District Courts; and the clerks of the several county courts of this Republic, are hereby authorized and required to transfer all cases of appeal that may be in their respective offices, to the clerks of the district courts of their respective counties; and the said district courts shall proceed to hear and determine the same, in the same manner as if they had been originally transferred by appeal to the district court.

Sec. 2. Be it further enacted, That hereafter, all cases tried by a justice of the peace, shall be subject to the right of appeal to the district courts, under the rules and regulations prescribed in the fifteenth section of an act establishing the jurisdiction and powers of the district courts, any law to the contrary notwithstanding.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,

President pro tem. of the Senate.

Approved January 19th, 1841.

DAVID G. BURNET.

## AN ACT

To Incorporate the Galveston City Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the stockholders in the Galveston City Company, be, and they are hereby incorporated under the same name and style, and under it may transfer their rights by succession or assignment, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered

unto, defending and being defended, in all courts and places whatsoever; and also, that they and their successors by the same name and style, shall be in law capable of holding, and of conveying any estate, real, personal, or mixed, and doing and performing all things which are necessary, and not contrary to the Constitution of this Republic.

Sec. 2. Be it further enacted, That the management of the affairs of said company, shall be conducted by a board of five directors, each of whom, shall own at least five shares of the capital stock of said company, and three of said directors shall constitute a quorum, to do and perform all the business necessary to the successful operation of said company. A majority of said directors shall appoint a president from their own number, and fill such vacancies as may from time to time take place from death, resignation, or otherwise: the election of directors shall take place in the city of Galveston, on the first Monday of November of each and every year, and in case of failure to so elect said directors, the corporation shall not be dissolved for that cause, but the president and directors for the time being, shall continue in office until there shall be an election; provided, also, that it shall be the duty of said directors, to call a meeting of the stockholders at an early day, to elect the directory so omitted to be done at the regular period.

Sec. 3. Be it further enacted, That each stockholder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 4. Be it further enacted, That the president and directors, shall have authority to adopt all such rules, regulations, and by-laws, as they may consider necessary for the proper management of the affairs of said company.

Sec. 5. Be it further enacted, That it shall not be lawful under this act, for the company to exercise banking privileges in any form whatever.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.



## AN ACT

To Repeal the seventh section of "An Act Supplementary to an Act to raise a Revenue by Direct Taxation, and for other purposes."

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 seventh section of the above recited act, is hereby repealed, and that it shall be unlawful for the commissioner of revenue, to demand and receive double tax on certificates, for the year one thousand eight hundred and thirty nine.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 3rd, 1841.

DAVID G. BURNET.

## JOINT RESOLUTION

To Define the Duties of the Chief Clerk of the Bureau of Stock Commissioner.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the chief clerk of the bureau of the stock commissioner in the treasury department, be, and he is hereby required to perform all the duties heretofore devolving upon the stock commissioner, so far as relates to endorsing the eight per cent. bonds of the government, and all his acts within the scope of this joint resolution, shall be legal and binding; provided, that no printed bonds shall be issued by the secretary of the treasury.

Sec. 2. Be it further resolved, That this resolution take effect from and after its passage.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

A JOINT RESOLUTION

Making an Appropriation to Defray the Expenses of Congress.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That five thousand dollars be, and the same are hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, to defray the current expenses of the fifth Congress.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved 12th November, 1840.

MIRABEAU B. LAMAR.

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AN ACT

To protect the Settlers in that portion of the territory of Texas which has been surveyed by authority and direction of the United States of the North.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall not be lawful for any surveyor of this republic to survey or locate any portion of the lands of Texas which have been surveyed by the authority and direction of the government of the United States of the North, until expressly authorized by law.

Sec. 2. Be it further enacted, That the commissioner of the general land office shall forthwith issue his instructions to such of the surveyors of this republic as he may think proper, to cause this act to be faithfully observed.

Sec. 3. Be it further enacted, That this act shall be in force from and after the passage thereof.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved 11th November, 1840.

MIRABEAU B. LAMAR.

## JOINT RESOLUTION

Making an Appropriation to Pay for Muskets.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of two thousand four hundred and fifty dollars, in par funds, be, and the same is hereby appropriated to pay William Kirchberg, for the delivery of three hundred and fifty muskets to the government, at Galveston, to be paid out of the first money in the treasury not otherwise appropriated: provided, that the muskets shall be agreeable to contract; and that they shall stand the proof to which muskets are subject, by inspection, before they are passed and received.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

## JOINT RESOLUTION,

Granting the President leave of Absence.

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 granted leave of absence for such length of time as may be necessary to procure medical aid, and be restored to health: for which purpose it may be necessary for him to visit the United States of the North, or elsewhere, for the purpose above stated: and that leave is hereby granted for such time, or until he may be able to resume his executive functions.

Sec. 2. Be it further resolved, That this joint resolution take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved 12th December, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

Providing for the Election of a Board of Travelling Commissioners, East of the Brazos.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall be the duty of congress, at as early a day as practicable, to elect a board of travelling Commissioners for that section of the Republic east of Brazos, provided for by an act of the fourth congress, entitled "An act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants," and so much of the ninth section of the above recited act, as gives to the President the power to fill vacancies, shall be so far amended, as that he shall only have the power to fill vacancies during the recess of congress.

Sec. 2. Be it further resolved, That the said Commissioners when elected, shall meet on the third Monday of December eighteen hundred and forty, or as soon thereafter as practicable at the seat of justice of Fannin county, and proceed from thence to Red River, Harrison, Jefferson, Liberty, Galveston, Harris, Montgomery, Robertson and Houston counties, in their respective order.

Sec. 3. Be it further resolved, That this joint resolution shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved November 20th, 1840.

MIRABEAU B. LAMAR.

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AN ACT

To be entitled An act for the relief of the purchasers of Austin City and out lots.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That in all cases where lots in the city of Austin, or out lots on the Austin city tract, were purchased at any sale, previous to the passage of this act, and have since been forfeited, by reason of the

non-payment of any instalment thereon, the purchaser of said lot or lots shall have the right of redeeming the same, by paying into the Treasury Department, on or before the first day of the next ensuing sale, all arrearages which may be then due, on the lot or lots so purchased and forfeited; provided, the same have not since been sold to any other purchaser.

Sec. 2. Be it further enacted, That this act shall go into effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved 3d December, 1840.

MIRABEAU B. LAMAR.

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### AN ACT

To amend the several acts Incorporating the City of Houston.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the city of Houston, be, and is hereby divided into four wards in the following order, to wit;—all that part of the city lying and being north of Congress, and west of Main streets, shall be known and denominated ward No. 1;—all that part of the said city lying and being north of Congress and east of Main street, shall be known and denominated ward No. 2;—all that part of the city lying and being south of Congress and east of Main streets, shall be known and denominated ward No. 3, and all that part of the said city lying and being south of Congress and west of Main streets, shall be known and denominated ward No. 4.

Sec. 2. Be it further enacted, That if the office of Alderman should become vacant by resignation or other cause, the board of Aldermen shall have power to appoint a successor until the regular time for the annual election.

Sec. 3. Be it further enacted, That the parts of the laws heretofore passed relative to the city of Houston, conflicting with the above mentioned provisions be, and the same are hereby repealed; and this act shall go into effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved November 17th, 1840.

MIRABEAU B. LAMAR.

JOINT RESOLUTION

For the relief of the Postmaster General, the First and Second Auditors and Treasurer.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the act passed at the last session of congress approved on the first of February, eighteen hundred and forty, entitled a joint resolution for the relief of the Postmaster General and heads of Bureaus, which act expired by its own limitation on the first day of October last past, be, and the same is hereby renewed, the same as though the said recited act had not been so limited, and to continue in force from the first day of October last past, until the first day of January, eighteen hundred and forty-one, and that the Secretary of the Treasury is hereby authorized and required to allow to the Postmaster General and the heads of bureaus above named, the same amount of pay per month as was provided in the above recited act.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved 4th January, 1841.

DAVID G. BURNET.

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JOINT RESOLUTION

Appropriating one of the Unoccupied Houses belonging to the Government for the use of the Clerk of the Supreme Court.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a room in the house lately occupied by the Commissary General, be appropriated, and set apart, for the use of the clerk of the supreme court, until otherwise directed by Congress. And that this act take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

## JOINT RESOLUTION

Supplementary to a Joint Resolution for the relief of the Purchasers of Austin city and out lots.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the time fixed in the Joint Resolution for the relief of Purchasers of Austin city and out lots, approved December 1840, shall be, and the same is hereby extended to the 10th of February next, and it shall not be lawful for the Secretary of the Treasury to sell any forfeited lots in the city of Austin, or the town tract adjoining, previous to that time.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved 8th December, 1840.

MIRABEAU B. LAMAR.

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AN ACT

Defining the mode by which the holders of Conditional Certificates shall establish the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be established in each county of the republic of Texas, a tribunal with authority to grant unconditional certificates to the holders of conditional certificates obtained by virtue of the twenty-ninth section of law entitled "An Act to reduce into one act and to amend the several acts relating to the establishment of a General Land Office," passed December the fourteenth, one thousand eight hundred and thirty-seven, and also by virtue of the act entitled "An Act to extend to late Emigrants or those who may emigrate within a specified time, a Donation of Land," approved January the fourth, one thousand eight hundred and thirty-nine.

Sec. 2. Be it further enacted, That the chief justices and the two associate justices of the county court shall constitute the tribunal mentioned in the first section of this act.

Sec. 3. Be it further enacted, That any individual entitled to the privileges mentioned in the first section, and who is desirous of obtaining an unconditional certificate, shall present to the tribunal herein established, the conditional certificate of the board created under the land laws of one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-nine, and shall personally appear and take the following oath: "I do solemnly swear that I have been an actual citizen of the republic for the term of three years; that I have done and performed the duties required of me as a citizen, and that I am a single (or married man, as the case may be,)" and shall further prove, by two respectable witnesses, that the facts deposed to are true; provided, that in no case shall the evidence of witnesses be made, save by being personally present before the tribunal hereby established: and further provided, that the above oath shall not be exacted from widows, legal heirs, executors, or administrators of any one entitled to the benefit of this law, who died a citizen of this republic.

Sec. 4. Be it further enacted, That it shall be the duty of the clerk of the county court to act as clerk of the tribunal aforesaid: and upon such proof being made as herein required, the applicant shall receive an unconditional certificate, to be signed by a majority of the tribunal, and attested by the seal and signature of the clerk of the county court.

Sec. 5. Be it further enacted, That the clerk shall keep a regular record of all the certificates issued, the date of the issuance, and the names of the witnesses; and shall, quarterly, forward to the office of the Commissioner of the General Land Office, an abstract of the certificates issued, with the names of the applicants and witnesses, and the numbers and dates.

Sec. 6. Be it further enacted, That the tribunal herein established shall meet at the county seat on the first Monday of each month; and that each applicant shall, for a certificate, pay the sum of five dollars, in Texas treasury notes, to the county clerk, which sum shall be equally divided amongst the members signing the certificate, and the clerk.

Sec. 7. Be it further enacted, That should any individual have his claim rejected, he shall have the right of appeal to the district court of the county wherein he applied; and it shall be the duty of the district attorney to attend to the appeal, in behalf of the tribunal. Should the appellant gain a verdict in his favor, the tribunal shall issue a certificate, as to other claimants, and the republic shall be taxed with the costs: if the appellant fails, he shall pay the costs. In all cases where the plaintiff fails to establish his suit, the sum of ten dollars shall be paid to the said



district attorney by said plaintiff: provided, that the application for a certificate may be made either in the county where the party resided at the passage of this act, or where he obtained his conditional certificate.

Sec. 8. Be it further enacted, That in all cases where the original certificate cannot be produced, from the fact of its being in the hands [of] a county or deputy surveyor, or in the office of the Commissioner General, it shall be lawful for the tribunal to permit the applicant to produce a certificate, under the seal and signature of the clerk of the county court, where the conditional certificate was obtained, that such a certificate was issued with the number and date.

Sec. 9. Be it further enacted, That where any conditional certificate has been rejected by the board of travelling commissioners, in consequence of the board which granted the same having allowed a larger quantity of land than the party applying for the same was entitled to,—the board to be appointed under this law shall be authorized to grant another certificate to such party for the quantity of land to which he is justly entitled: provided, that the party applying for such certificate shall return to the board the original certificate which was granted him, to be cancelled. And in all cases where the said party claimants have heretofore had their lands located and surveyed in good faith, in accordance with law, they shall have the preference right of locating the same lands, or so much thereof as they may be entitled to by virtue of the certificate granted them, the said party, by the tribunal established by this act.

Sec. 10. Be it further enacted, That the tribunal herein created shall grant to appellants of the district court under the sixteenth section of the land law passed December fourteenth, one thousand eight hundred and thirty-seven, upon the final judgment of the district court in appellants' favor, where appeals have not been taken to the supreme court in the time prescribed by law, the certificate which the appellant would have been entitled to receive from the board created by law.

Sec. 11. Be it further enacted, That it shall be the duty of the Commissioner of the General Land Office to grant to the holders of all unconditional certificates issued by the tribunal herein created, an unconditional patent for the amount of land to which each applicant may be entitled to receive, upon payment of fees of office.

Sec. 12. Be it further enacted, That the chief justices, and one associate justice, may constitute a quorum for business.

Sec. 13. Be it further enacted, That all those volunteers who arrived in this republic from the second of March, one thou-

sand eight hundred and thirty-six, to the first of August, one thousand eight hundred and thirty-six, as mentioned in the twenty-ninth section of the land law, of one thousand eight hundred and thirty-seven, shall be exempted from the conditions as mentioned in the same for the second and the third class of claimants.

Sec. 14. Be it further enacted, That this tribunal shall have power to issue certificates to all those of the second or third class of claimants, who have not received their certificates from the previous boards of land commissioners, upon their making the same proof as heretofore required.

Sec. 15. Be it further enacted, That the boards or tribunals herein created, shall have power to grant original or conditional certificates of the second or third class, until the first of October, one thousand eight hundred and forty-one, and no longer; and no unconditional certificate, shall be issued on any original or conditional certificate, obtained from the tribunal herein created, until two years shall have expired from the time of obtaining said original or conditional certificates, and that when the applicant has resided three years within the republic, he shall be entitled to an unconditional certificate.

Sec. 16. Be it further enacted, That should any certificate issue contrary to the provisions of this act, they shall be, and are hereby declared to be null and void, and the members of the board, granting the said illegal certificate, upon conviction of intentional fraud, shall be deemed guilty of a high misdemeanor, and on being convicted thereof, before the district court, shall be fined in a sum of not less than two thousand, nor more than ten thousand dollars, shall be dismissed from office, and shall be forever thereafter, incapable of holding any office of profit, honor, or trust, within this republic.

Sec. 17. Be it further enacted, That this act shall [take] effect from and after the first Monday of March, one thousand eight hundred and forty-one.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved 15th January, 1841.

DAVID G. BURNET.

## AN ACT

To authorize the Firm of McKinney, Williams and Company, to issue their Notes for Circulation as Money.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That Thomas F. McKinney, Samuel M. Williams, Nathaniel F. Williams, and James P. McKinney, trading under the firm of McKinney, Williams and Company, be, and they are hereby authorized to mortgage and pledge, free and unincumbered, real estate, to consist of houses and lots, and other improved property in the city of Galveston, and improved lands, and Negroes, situated in the counties of Brazoria and Austin, with a saw-mill, and land in Liberty county, to make up the full sum of sixty thousand dollars, as security for the payment of thirty thousand dollars, and the property so proposed to be mortgaged, shall be valued by three disinterested persons appointed by the chief justice, who shall certify on oath, the cash value of the same; said notes to be issued in small denominations and circulated.

Sec. 2. Be it further enacted, That said McKinney, Williams and Company, shall not be permitted to issue at any time, more than two dollars of their own notes, for every dollar of their actual monied capital on hand, for the prompt payment and redemption of their notes so issued; and any holder of their notes, is hereby authorized, on the refusal or failure of the said firm, to pay and redeem such notes on presentation in gold or silver, or in the current bills of the specie paying banks of the United States, or money passing at par in New Orleans, to have them forthwith protested, which protest shall be authority to any judge, or justice of the peace, to enter up judgment against said firm for the full amount of the notes so protested, and thereupon issue execution for the same, with costs and damages, to be levied on any property of theirs, whether belonging to them as partners; or individually as private property, to be sold in five days after such levy, for the most it will bring in money, without admitting any plea of abatement or offset; and further, such judge or justice of the peace, shall forthwith enjoin all further proceedings of said firm under this act, and decree and proclaim the same null and void.

Sec. 3. Be it further enacted, That the mortgage contemplated in the first section of this act, shall be made to the chief

justice of the respective counties where the property is situated, who of himself, or by consulting the opinion of his associates, shall be satisfied with respect to the estimated value of the property so mortgaged, the mortgages shall remain in full force and effect until the final liquidation of all the liabilities.

Sec. 4. Be it further enacted, That the judges of the county court, shall as commissioners, have full power and authority once in each year, to examine the books of account of the said firm, used under the provisions of this act, and examine the amount of monied capital on hand, and also, the amount of issues; and report to Congress any contravention of this act, which they may find, for its action thereon.

Sec. 5. Be it further enacted, That said company, shall at no time, issue or put in circulation, more than thirty thousand dollars of said change notes.

Sec. 6. Be it further enacted, That any one of said company of McKinney, Williams and Company, shall at the time of executing said mortgages, take and subscribe an oath, that the property so proposed to be mortgaged, is held of their own right, and free and unincumbered by any other claim whatever, and said affidavit shall be filed and recorded in the clerk's office of the county, where the property is situated.

Sec. 7. Be it further enacted, That it shall be the duty of said firm to furnish to the Congress of this republic at its annual meetings, a concise statement of the amount of notes issued, the amount of cash on hand, and a synopsis of the general condition of the said institution, which statement shall be subscribed and sworn to by at least two members of said firm; and any failure to comply with the provisions of this section, shall be deemed a forfeiture of the privileges conferred in this act.

Sec. 8. Be it further enacted, That this company shall not charge more than the legal interest of the country on any loan made by this company to any person, and any loan made contrary to this section, shall be considered usurious, and held to be null and void.

Sec. 9. Be it further enacted, That the privileges herein granted, shall remain in force until forfeited by a breach of the foregoing provisions, or until Congress may repeal this act, which right is hereby reserved.

Sec. 10. Be it further enacted, That banking privileges, as a general rule, being inexpedient, the privileges herein granted to McKinney, Williams and Company, are conceded to them in consideration of their having made large advances to this government at an early period of its existence.

Sec. 11. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 3rd, 1841.

DAVID G. BURNET.

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### AN ACT

Supplementary to an act entitled "an Act the better to define the boundaries of Fort Bend."

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, be so altered and amended as to read that the boundary line of Fort Bend County, shall run with the line of Harris County, from the crossing of Buffalo Bayou, and shall run as described in the above described act, and that the boundary line of Fort Bend, is what was intended to run in the said act.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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### AN ACT

To Establish and Incorporate the Guadalupe College.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a seminary of learning be, and the same is hereby established at Gonzales, in the county of Gonzales, to be denominated the "Guadalupe College."

Sec. 2. Be it further enacted, That the board of trustees of said college shall consist of thirteen members, including the chief justice of said county, and the mayor of said town, who

shall be, respectively, ex officio president and vice-president; and said board shall take in charge the interest of said college; a majority of the whole number shall constitute a quorum to do business; and the clerk of the county court shall be secretary and treasurer of the board, with such compensation as the trustees may from time to time allow; but the trustees shall in all cases perform their duties gratuitously.

Sec. 3. Be it further enacted, That the following persons, in addition to the president and vice-president, shall constitute and are recognized as said board, viz: John Lee Witter, Benjamin McCulloch, B. D. McClure, Joseph D. Clements, C. S. Hamilton, D. B. Friar, Richard Veal, Robert Carr, Eli Mitchell, C. S. Brown, and Thomas J. Pilgrim.

Sec. 4. Be it further enacted, That the trustees aforesaid be, and they are hereby constituted a body politic and corporate in deed and in law, by the name and style of "The Trustees of Guadalupe College;" and by that name, they and their successors may and shall have succession, and be able and capable in law to have, receive and enjoy, to them and their successors, lands, tenements, and hereditaments of any kind, in fee, or for life, or for years, and personal property of any kind whatsoever; and also, all sums of money which may be given, granted or bequeathed to them, for the purpose of promoting the purposes and interests of the said college.

Sec. 5. Be it further enacted, That there shall be a stated meeting of the board of trustees in each year, at the time of conferring degrees; and that the president of said board of trustees shall have full power to call an occasional meeting of the board, whenever it shall appear to him necessary; and in his absence, the vice-president, or the senior member of the board, shall discharge the duties devolving on the president.

Sec. 6. Be it further enacted, That the trustees of said college shall and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that by their aforesaid name, they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity in this republic; and grant, bargain, and sell, or assign, any lands, tenements, goods or chattels, now belonging to said college, or that may hereafter belong to the same; to construct all the necessary buildings for said institution; to establish a preparatory department; to have the management of the finances; the privileges of electing their own officers; of appointing all necessary committees; and to act and do all things whatsoever

for the benefit of the said institution, in as ample a manner as any person, or body politic or corporate, can and may do by law.

Sec. 7. Be it further enacted, That the said trustees shall have the power to prescribe the course of studies to be pursued by the students, and of forming and enacting all such ordinances and by-laws as shall appear to them necessary, for the good government of said college and of their own proceedings; provided, the same be not repugnant to the Constitution and laws of the republic of Texas; and provided further, that in the course of studies established by said board, the Spanish language shall be considered and treated as only second in importance and utility to the English.

Sec. 8. Be it further enacted, That the principal of said college shall be styled the President, and the instructors thereof, the Professors; and the President and Professors, or a majority of them, The Faculty of Guadalupe College; which faculty shall have power to enforce the ordinances and by-laws adopted by the board of trustees, for the government of the students, by rewarding or censuring them; and finally, by suspending such of them, as, after repeated admonition, shall continue disobedient or refractory, until the determination of a quorum of trustees can be had; but it shall only be in the power of a quorum of trustees at their stated meetings, to expel any student or students of said college.

Sec. 9. Be it further enacted, That the trustees shall have full power and authority, by the President and Professors of the said college, to grant or confer any degree or degrees in the arts or sciences, to any of the students of the said college, or persons by them deemed worthy, as are usually granted and conferred in other colleges; and to give diplomas or memorials thereof, signed by them, and sealed with the common seal of the college, to authenticate and perpetuate the memory of such graduations.

Sec. 10. Be it further enacted, That whenever any vacancy shall occur in the board of trustees, either by death, resignation, or otherwise, such vacancy shall be filled by a majority of the remaining trustees.

Sec. 11. Be it further enacted, That all necessary officers of said institution shall be appointed by a majority of said board of trustees: and whenever a vacancy shall occur in the presidency, or any of the professorships of the college, the board of trustees shall have the power to fill such vacancy.

Sec. 12. Be it further enacted, That the trustees shall have the power to fix the salaries of all the officers connected with the college, and of removing any of them for neglect or mis-

conduct in office, a majority of the whole board concurring in such removal.

Sec. 13. Be it further enacted, That the institution hereby established and incorporated, shall be purely literary and scientific; and the students of all religious denominations whatsoever shall enjoy equal advantages.

Sec. 14. Be it further enacted, That the lands, public buildings, and other property belonging to the said college are hereby declared to be free from any kind of public tax.

Sec. 15. Be it further enacted, That in the plan for the public buildings of said college, there shall never be erected or allowed any hotel, commons or dormitory, for the accomodation of students.

Sec. 16. Be it further enacted, That the names of all donors to the said college, with their donations annexed, shall be carefully and legibly inscribed in a book kept for that purpose, which shall be preserved among the archives of said college, in order that posterity may know who were the benefactors of the institution.

Sec. 17. Be it further enacted, That for the space and term of one hundred years from and after the passage of this act, the descendants of all those who died in defence of the Alamo, in the year 1836, shall be fully entitled to the enjoyment of all and singular the privileges and immunities appertaining to students of said institution, free of all fees, perquisites or charges whatsoever.

Sec. 18. Be it further enacted, That the trustees of said college shall have power to appoint six honorary members, to be added to their number; and the said members so appointed may take their seats at any meeting of the board and advise and confer with the members thereof: but in all cases, a majority of the regular board shall be necessary to transact business.

Sec. 19. Be it further enacted, That four leagues of land be, and the same are hereby granted to the trustees of said college, and their successors, to be located on any vacant and unappropriated land in this republic, in tracts of not less than one-fourth league; and that the Commissioner of the General Land Office is hereby authorized to issue certificates in tracts of not less than one-fourth league, in the name of the trustees of Gaudalupe College, and their successors, without charging any fees for the same; and the said trustees are empowered to employ any legally authorized surveyor, to locate and survey the same, and make return of his field notes, which shall be received and examined by the county surveyor, in the manner prescribed by law, without charging any fees for the same; and the Commissioner of the



General Land Office is hereby required to issue patents for the same to the trustees aforesaid, and their successors; and the said land shall not be disposed of, in any way, by the trustees, within a less time than five years after the same shall have been patented by the government; nor at any time thereafter, unless the same shall yield to the institution three dollars per acre in par funds.

Sec. 20. Be it further enacted, That the said four leagues of land are hereby given, granted and confirmed, to the said trustees of said college, and their successors, who shall have full power to sell, alienate, lease, rent, or otherwise dispose of the same; and the proceeds thereof shall be for the erection of suitable buildings, for the purchase of philosophical, astronomical, and chemical apparatus, and for the promotion of literature, science, and the arts in general, and for no other purpose whatever.

Sec. 21. Be it further enacted, That the property owned by the said college, under the provisions of this act, shall at no time exceed in value the amount of two hundred thousand dollars.

Sec. 22. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of, without special pleading.

Sec. 23. Be it further enacted, That the Congress of the republic shall have, and it hereby reserves the power to revive or repeal this act at each successive period of twenty years, from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved January 30th, 1841.

DAVID G. BURNET.

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## AN ACT

Legalizing the Official Acts of Wm. H. Steele, Commissioner.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all deeds or titles issued by Wm. H. Steele, as commissioner for the Nashville colony, to actual settlers who were at the time of the granting the said deeds, are now or were at the time of their death, actual citizens of the republic of Texas, as colonists, shall be as valid as if issued by a legally authorized commissioner,

any law to the contrary, notwithstanding: provided, as if said deeds would have been valid had they been issued by a regularly authorized commissioner.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved January 28th, 1841.

DAVID G. BURNET.

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AN ACT

To Consolidate the several Appropriations for the Navy Department, for the year eighteen hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the appropriations made by the fourth Congress, for the naval department of this government, be, and the same are hereby consolidated into one; and that the Auditor and Comptroller be authorized and required to pass the accounts of N. T. Brannum, naval agent, for the amounts paid by him, which are properly approved and certified to.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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AN ACT

Supplementary to "An Act for the Relief of Jonathan Ikin."

Whereas, it has been shown, that an act passed during the last session of the Congress of this Republic, entitled "An Act for the relief of Johathan Ikin," was in regard to the time allowed for the introduction of a certain number of emigrants, so limited as to render the fulfilment of its objects and conditions impracticable:

Be it therefore enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the said act shall be renewed, and remain in force (with

the exception of the clause limiting the introductions of emigrants to the first of September, eighteen hundred and forty,) until the first of September, one thousand eight hundred and forty-two.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 3d, 1841.

DAVID G. BURNET.

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### AN ACT

Supplementary to "An Act to establish and Incorporate Rutgersville College," approved February fifth, one thousand eight hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the proviso in section fourth, be so amended as to read one hundred thousand dollars over and above the necessary buildings, books, and apparatus necessary to carry on the institution.

Sec. 2. Be it further enacted, That the sixteenth section be so amended as to read all nuisances, gross immoralities, &c., shall be removed and abated, by application to the district court of Fayette County, by the trustees of said college.

Sec. 3. Be it further enacted, That section twenty-first, be so amended as to read, that this act shall remain in force for ninety-nine years, and no longer, subject to such modifications, amendments and revisions, as Congress may from time to time enact.

Sec. 4. Be it further enacted, That no misnomer of the said college, shall defeat or annul any gift, grant, devise, or bequest to the same.

Sec. 5. Be it further enacted, That the professors of said college, shall not be eligible to act as trustee or trustees for the same; and in case either of the trustees may hereafter be employed to discharge any of the duties in and about said college, he or they shall resign their station as trustee or trustees, before entering on the duties assigned him or them.

Sec. 6. Be it further enacted, That whenever any law, rule, or resolution, may be passed or adopted by the board of trustees, at a regular or stated meeting of said board, it shall not

be competent for a called meeting of said board, to repeal or rescind such law, rule, or resolution.

Sec. 7. Be it further enacted, That any violation of any restriction in this charter, shall work a forfeiture of all the privileges granted to the same.

Sec. 8. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 1st, 1841.

DAVID G. BURNET.

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### AN ACT

For the Relief of those who have taken the Benefit of the Insolvent Laws of other Countries.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any person or persons, who may have, or may hereafter emigrate to, and become a citizen or citizens of this republic, and who shall have yielded and given up his or their property in satisfaction of his or their debts, under the bankrupt, insolvent, or assignment laws of the state or country from which he or they may have so emigrated, or shall have otherwise, honestly, and in good faith, disposed of his or their property, in payment and satisfaction of his or their debts as aforesaid, by the said person producing a properly authenticated certificate, from the state or county from which he emigrates, of the fact of having taken the benefit of the assignment or insolvent law, which certificate shall be certified to by an authorized consul, or an accredited agent of this republic; provided, that the person so applying, shall be allowed twelve months from the time of pleading his insolvency to procure the certificate aforesaid, that he or they have so yielded, given up or disposed of all his or their property as aforesaid, and obtaining the certificate to that effect, shall be as fully and perfectly exempt, and discharged from all and every debt, and pecuniary liability contracted previous to his or their having taken the benefit of the law as aforesaid; provided, however, that said certificate shall not bar the rights of creditors upon

proof of fraud or falsity of said oath; and if said oath be false when taken, the person or persons so swearing falsely, shall be subject to prosecution and punishment for perjury.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

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## AN ACT

Prescribing the mode in which Married Persons may dispose of their separate Property.

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 or approval of this Act, when a husband and his wife, have sealed and delivered a writing purporting to be a conveyance of any estate, or interest in any land, slave, or slaves, or other effects, the separate property of the wife, if she appear before any judge of the district court, or chief justice of the county court, and being examined privily and apart from her husband, shall declare that she did freely and willingly, seal and deliver the said writing, (to be then shown and explained to her,) and wishes not to retract it, and shall acknowledge the said writing so again shown to her, to be her act; such privy examination, acknowledgment and declaration, the said judge or chief justice shall certify under his hand and seal by a certificate annexed to said writing, and to the following effect, or substance thereof, that is to say:—

Republic of Texas, } I, A. B., chief justice of the county  
County of ——— } aforesaid, do hereby certify, that E. F.,  
the wife of G. H., parties to a certain deed, bearing date on the  
—— day of ——— and hereunto annexed, personally appeared  
before me, the chief justice of the county aforesaid, and having  
been examined by me privily and apart from her husband, and  
having the deed aforesaid fully explained to her, she, the said  
E. F., acknowledged the same to be her act and deed, and declared  
that she had willingly signed, sealed, and delivered the same, and  
that she wished not to retract it.

Given under my hand and seal, this ——— day  
of ———

SEAL.

But any certificate showing that the requisitions of the law have been complied with, shall be as valid as the form here prescribed, and such conveyance shall pass all the right, title, and interest, which the husband and wife, or either of them may have in or to the property therein conveyed.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 3d, 1841.

DAVID G. BURNET.

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### JOINT RESOLUTION

For the Relief of Capt. A. C. Hinton, and other purposes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That it shall not hereafter be lawful to deprive any officer in the Military or Naval service of this Republic, for any misconduct in office of his commission, unless by the sentence of a court martial.

Sec. 2. Be it further [resolved,] That the Secretary of War, as the present head of the naval service; be, and he is hereby directed to order a court of inquiry, in the case of Capt. A. C. Hinton, late commander of the steam ship of war Zavala, in the naval service of this republic, and that the said Capt. A. C. Hinton, be furnished with a copy of the charges and specifications against him, and the proceedings of said court of inquiry, be, in all other cases, conducted according to law.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

## AN ACT

## To Establish and Incorporate Trinity College.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a seminary of learning be, and the same is hereby established at Alabama, in Houston county, to be denominated the "Trinity College."

Sec. 2. Be it further enacted, That there shall be eleven trustees, who are hereby authorized to take charge of the interests of the college; and a majority of the whole number shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the following persons have been duly chosen trustees of the college, and are recognized as such, viz: G. W. Grant, Jacob Allbright, George Pruitt, Colin Aldrick, Elisha Clapp, John Morthans, Isaac Parker, Ralph Nelson, Elijah Gossett, William Clark, and James Carr.

Sec. 4. Be it further enacted, That the trustees aforesaid be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of "The President and Trustees of Trinity College," and by that name they and their successors shall and may have succession, and exercise the privileges herein granted, for the term of twenty years, and no longer; and be able and capable in law to have, receive, and enjoy, to them and their successors, lands, tenements, hereditaments of any kind, in fee, or for life or for years, and personal property of any kind whatsoever; and also all sums of money which may be given, granted or bequeathed to them, for the purpose of promoting the interests of the said college: provided, that the property owned by the body corporate under the provisions of this act, shall at no time exceed in value the amount of one hundred thousand dollars, over and above the buildings, apparatus, and library.

Sec. 5. Be it further enacted, That there shall be a stated meeting of the board of trustees, in each year, at the time of conferring degrees; and that the president of said board of trustees, shall have full power to call an occasional meeting of the board whenever it shall appear to him necessary.

Sec. 6. Be it further enacted, That the trustees of said college shall and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that by their aforesaid name, they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be

answered, defend and be defended, in all courts of law and equity in this republic; and to grant, bargain, and sell, or assign, any lands, tenements, goods or chattels, now belonging to said college, or that may hereafter belong to the same; to construct all the necessary buildings for said institution; to establish a preparatory department, and a female department, and such other dependent institutions as they shall deem necessary; to have the management of the finances, the privilege of electing their own officers, of appointing all necessary committees; and to act and do all things whatsoever for the benefit of said institution, in as ample a manner as any person, or body politic or corporate, can and may do by law.

Sec. 7. Be it further enacted, That the said trustees shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary, for the good government of the said college and of their own proceedings; provided, the same be not repugnant to the Constitution and laws of the republic of Texas.

Sec. 8. Be it further enacted, That the head of said college shall be styled the President, and the instructors thereof, the Professors; and the President and Professors, or a majority of them, The Faculty of Trinity College; which faculty shall have power of enforcing the ordinances and by-laws adopted by the trustees, for the government of the students, by rewarding or censuring them; and finally, by suspending such of them, as, after repeated admonition, shall continue disobedient or refractory, until a determination of a quorum of trustees can be had; but it shall be only in the power of a quorum of trustees at their stated meetings, to expel any student or students of the said college.

Sec. 9. Be it further enacted, That the trustees shall have full power by the President or Professors of the said college, to grant or confer such degree or degrees in the arts or sciences, to any of the students of the said college, or persons by them thought worthy, as are usually granted and conferred in other colleges; and to give diplomas or certificates thereof, signed by them, and sealed with the common seal of the trustees of the college, to authenticate and perpetuate the memory of such graduations.

Sec. 10. Be it further enacted, That whenever any vacancy shall occur in the board of trustees, either by death, resignation, or otherwise, such vacancy shall be filled by a majority of the remaining trustees.



Sec. 11. Be it further enacted, That all necessary officers of said institution shall be appointed by a majority of the board of trustees.

Sec. 12. Be it further enacted, That whenever a vacancy shall occur in the presidency or any of the professorships of the college, the board of trustees shall have the power to fill such vacancy.

Sec. 13. Be it further enacted, That the trustees shall have the power of fixing the salaries of all the officers connected with the college—of removing any of them for neglect or misconduct in office; a majority of the whole number concurring in said removal.

Sec. 14. Be it further enacted, That the institution hereby incorporated, shall be purely literary and scientific; and the students of all religious denominations shall enjoy equal advantages.

Sec. 15. Be it further enacted, That the lands, public buildings, and other property belonging to the said college, are hereby declared to be free from any kind of public tax for five years.

Sec. 16. Be it further enacted, That the trustees of Trinity College shall have power to appoint six honorary members, to be added to their number; and the said members so appointed, may take their seats at any meeting of the board, and have all the powers and privileges that other members of the board have; provided, that a quorum of the board of trustees constituted by this act, shall be present and that this charter shall be subject to such alterations, revisions, and amendments, as Congress may from time to time deem necessary.

Sec. 17. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved January 30th, 1841.

DAVID G. BURNET.

AN ACT

To Legalize the Official Acts of Samuel Todd, and those who acted as his Deputies, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the official acts of Samuel Todd, as clerk of the county court of Shelby county, and of all others who have acted as his deputies, by appointment made in accordance with law, be, and the same are hereby legalized, and made as valid in law, as if said Todd had given bond, and been commissioned in conformity with law.

Sec. 2. Be it further enacted, That nothing contained in this act, shall be so construed as to relate to the legalizing the acts of said Todd and his deputies, which would have been illegal, had he been commissioned, and given bond as the law required.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved December 24th, 1840.

DAVID G. BURNET.

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AN ACT

To Establish and Incorporate the Austin Lyceum.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That F. A. Morris, Thomas Gales Forster, Geo. W. Bonnell, Geo. K. Teulon, Richard F. Brenham, Geo. J. Durham, James M. Ogden, Henry J. Jewett, and M. P. Woodhouse, of the county of Travis, their associates and successors, are hereby constituted a body politic and corporate, for the encouragement of literary and scientific pursuits, by the name and style of the "Austin Lyceum," and by that name, may receive, hold, and enjoy, lands, tenements, and hereditaments, and personal property, and sums of money of any amount not exceeding fifty thousand dollars, and by the aforesaid name, may sue and be sued, defend and be defended, in any courts of law and equity within this Republic, and

may enact such rules and regulations as may be proper for conducting the affairs of said institution.

Sec. 2. Be it further enacted, That the aforesaid persons, their associates, and successors, shall have access to the books in the public library at Austin, under such restrictions as may be thought proper by the secretary of state.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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### AN ACT

To authorize the Commissioner of the General Land Office to employ a Draftsman, and providing for the Compensation of County Surveyors.

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 employ a Draftsman for the General Land Office, whose duty it shall be to make out and complete maps of the several counties of the republic, from the maps already forwarded, and to be forwarded, by the county surveyors of the several counties; and that he shall from time to time, as improvement or surveys are made in the several counties, and forwarded as required by law, plot such surveys or improvements on the several county maps of the General Land Office; and that he shall as soon as practicable, construct a large connected map of the republic, as well as to perform all drafting that may be required of him by the Commissioner of the General Land Office, for the benefit of the republic; for which he shall receive as compensation, a salary of three thousand dollars per annum: and all county surveyors are hereby required to forward, quarterly, to the General Land Office, all the additions that may have been made, or to be made, of surveys in their respective counties.

Sec. [2.] Be it further enacted, That the county surveyors of the several counties shall receive a reasonable compensation

for all maps, transcripts, etc., forwarded by them to the General Land Office, as required by law; their accounts to be approved by the Commissioner of the General Land Office: and the Auditor is hereby required to audit the same.

Sec. 3. Be it further enacted, That the Commissioner of the General Land Office be, and he is hereby authorized and required to contract for the translation of all Spanish titles, documents, &c., on file in the General Land Office, not already translated, and for recording the same in a well bound book or books, to be purchased by the General Land Office for that purpose; provided, that the translator so employed shall not receive more than ten dollars per title for translating, and not more than twenty-five cents per hundred words for recording the same: and the sum of fifteen thousand dollars is hereby appropriated to carry out the provisions of this act.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

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### AN ACT

Supplementary to "An Act to authorize and require the Commissioner General of the Land Office to commence the issuing of Patents, and for other purposes," approved January nineteenth, eighteen hundred and forty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be paid to the Commissioner General of the Land Office, by the patentee in all cases, whether the same is for headright claims, land scrip, or land warrants, the same fees as are directed to be paid for the issuing of patents, by the provisions of the act to which this is a supplement: and this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

## A JOINT RESOLUTION

For the Relief of the Clerks employed in the several Departments and Bureaus of the Government.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That so much of a certain act passed at the last session of Congress, approved on the thirteenth day of January, one thousand eight hundred and forty, entitled a "Joint Resolution for the Relief of the Clerks employed in the several Departments and Bureaus of the Government," which act expired by its own limitation on the first day of October last past, be, and the same is hereby revived, so far as the salary and pay of the said clerks is concerned, the same as though the above recited act had not been so limited.

Sec. 2. Be it further resolved, That the operations of this act shall be so construed as to take effect from and after the first day of October last past, and continue in force until the first day of January, one thousand eight hundred and forty-one, or until repealed by act of Congress; and that the Secretary of the Treasury is hereby authorized and required to allow to each clerk the same pay per month, as was provided in the above recited act.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 3d December, 1840.

MIRABEAU B. LAMAR.

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JOINT RESOLUTION

Extending the time for Collection of Taxes.

Resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the period prescribed by law for the collection of taxes of the present year, be, and the same is hereby extended to the first day of June, 1841; and the Secretary of the Treasury be required to notify the sheriffs and tax collectors of the same.

Sec. 2. Be it further resolved, That all persons, who, from want of information or other causes, have not been able to comply with the provisions of said law, be, and the same are hereby exempt from the penalties prescribed therein; provided, they pay into the hands of the officers designated by law, the full amount of their assessed taxes within the time prescribed by this resolution.

Sec. 3. Be it further resolved, That the foregoing resolution go into effect from and after the final passage of the same.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

DAVID G. BURNET,

President of the Senate.

Approved 10th December, 1840.

MIRABEAU B. LAMAR.

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### AN ACT

To Organize a part of the County of Harrison for Judicial and other purposes.

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 that part of the county of Harrison comprehended within the following limits, to wit: beginning on the boundary line of Louisiana and Harrison county, two miles south of a point immediately east of Edward Smith's; thence north to the centre channel of Ferry Lake; thence up said Lake to the mouth of Big Cypress Bayou; thence up said Bayou, to the crossing of the Cherokee trace; thence southward with said trace to the Sabine River; thence down said river to a point directly west of the place of starting; thence east to the beginning, be, and the same is hereby constituted a separate district or territory, for judicial and other purposes, enjoyed by the inhabitants of the several counties of this Republic, except that of separate representation in Congress, which privilege shall be exercised by them as heretofore, under the previous organization of Harrison county.

Sec. 2. Be it further enacted, That the above described territory shall be known and styled by the name of "Panola," and shall be organized in conformity with "an act to organize the inferior courts, and defining the powers and jurisdiction of the

same;" and the election for the several county officers, shall be held on the first Monday in April next, and the inferior or county courts, shall be holden in the same, on the second Mondays of February, May, August, and November, in each and every year.

Sec. 3. Be it further enacted, That Sebron Robertson, John M. Clifton, David Hill, Peter Whetstone, and James A. Williams, are appointed commissioners, to select a site for the seat of justice, for said county or territory, and the point so selected, shall be the place for holding the district and county courts, and shall be styled Marshall, and the above named commissioners shall have the right to purchase or receive by donation, any quantity of land not exceeding three hundred and twenty acres, to be laid out in suitable lots, and sold by the said commissioners, for the purpose of erecting public buildings, and the necessary expenses attending the same; and in case of the inability of any of the commissioners to act, a majority shall have the right to act and fill any such vacancies.

Sec. 4. Be it further enacted, That the southern line of the limits of Harrison county shall hereafter commence on the Sabine River, at a point known as Watson's Ferry; thence due west to the present boundary of Harrison county; and the territory heretofore belonging to the county of Harrison south of said line, shall belong and be attached to the county of Shelby; and all the territory heretofore belonging to the county of Shelby, north of said line, shall be attached to and belong to the county of Harrison.

Sec. 5. Be it further enacted, That Hancock Smith, Samuel McCall, William Fitz Giblons, Captain Copeland, and James Tippet, are hereby appointed commissioners to select a site for the seat of justice of Harrison county; and the point so selected, shall be the place for holding the district and county courts, and shall be styled Pulaski; and the above named commissioners shall have the right to purchase or receive by donation for the use of said county, not exceeding three hundred and twenty acres of land, to be laid out in suitable lots, and sold by the said commissioners, for the purpose of erecting public buildings, and the necessary expenses attending the same; and in case of the inability of any of the commissioners to act, a majority shall have the right to act, and fill any such vacancies.

Sec. 6. Be it further enacted, That the county or district of Panola, shall constitute and form a part of the seventh judicial district, and the district court in Harrison county shall be holden on the first Mondays of March and September, and may continue one week, and no longer; in the county or territory of Panola, on the second Mondays of March and September, and

may continue one week and no longer. This section shall not take effect till after the adjournment of the ensuing spring court, which shall be held at the place now fixed by law, and the present officers of said court, shall attend the same.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved January 30th, 1841.

DAVID G. BURNET.

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AN ACT

To alter [the] time of holding the Courts in the Fifth Judicial District.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the district court for the county of San Augustine, shall commence its sessions on the fourth Mondays of March and September, and may continue in session five weeks; for the county of Nacogdoches, shall commence its session on the first Mondays of May and November, and may continue in session three weeks; in the county of Burnet, on the fourth Mondays of May and November, and may continue in session one week; and in the county of Houston, on the first Mondays after the fourth Mondays of May and November, and may continue in session until the business is disposed [of.]

Sec. 2. Be it further enacted, That all process returnable and triable at the terms heretofore fixed by law, shall be triable at the terms fixed by this statute.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.



## AN ACT

To Incorporate the Galveston and Virginia Point Bridge Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That a company be, and is hereby incorporated under the name and style of "The Galveston and Virginia Point Bridge Company;" to be governed by the rules and regulations hereinafter mentioned: and under this title may transfer their right by succession or assignment, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter, as hereafter enacted, or to the Constitution of this republic.

Sec. 2. Be it further enacted, That the said company shall have the right to make a bridge from the island of Galveston to Virginia Point, on the main land, at such points as the company may agree upon, for the purpose of forming a full communication between the two places.

Sec. 3. Be it further enacted, That the capital stock of said company shall be seventy-five thousand dollars, to be divided into seven thousand five hundred shares, of ten dollars each.

Sec. 4. Be it further enacted, That the management of the affairs of said company shall be conducted by a board of seven directors, each of whom shall own at least one hundred shares of the capital stock of said company; and four of said directors shall constitute a quorum to do and perform all the business necessary to the successful operation of said improvement. A majority of said directors shall appoint a president from their own body, and fill such vacancies as may from time to time take place from death, resignation, or otherwise; and after the first election of directors, all subsequent elections shall take place in the city of Galveston, on the first Monday in May of each and every year: and in case of failure to so elect said directors, the corporation shall not be dissolved for that cause; but the President and Directors for the time being, shall continue in office until there shall be an election: provided also, that it shall be the duty of said directors to call a meeting of the stock-holders at

an early day, to elect the directory so omitted to be done at the regular period.

Sec. 5. Be it further enacted, That each stock-holder shall have one vote for each share that he may own, and may vote in person or by proxy.

Sec. 6. Be it further enacted, That James Love, Gail Borden, jr., Peter J. Menard, Samuel M. Williams, Pizarra Edmonds, John S. Sydnor and E. L. Ufford, are hereby constituted and appointed commissioners to open books for the subscription of the capital stock of said company, at such time and places as they may deem proper; which books shall remain open until the whole number of shares shall be subscribed for; and whenever two thousand dollars shall have been subscribed, it shall be the duty of the commissioners to give thirty days notice in one or more newspapers published in the city of Galveston, requiring the stock-holders to meet in the city of Galveston, to choose by a majority of the votes of the subscribers, by ballot, to be delivered in person, or by proxy duly authorized, seven directors, and such other officers as they may think necessary to conduct the business of said company, for one year, or until a new election shall be had, agreeably to this act.

Sec. 7. Be it further enacted, That on application for shares, the sum of two dollars for each share applied for, shall be deposited with the commissioners, and the balance shall be paid in such instalments, and at such times, as the President and Directors may designate: provided, that public notice be given in two newspapers for sixty days, of the amount of such instalments, and the place and time of payment. And in case that any of the stock-holders neglect to pay any of the instalments after being thus notified, at the expiration of said term, the shares, as also the previous or subsequent instalments, which may have been paid, shall be forfeited for the benefit of the company, and a new subscription may be opened, or said shares may be sold to cover any deficit occasioned by the non-payment of the instalment due on said share.

Sec. 8. Be it further enacted, That the President and Directors of said company shall have the authority to adopt all such rules, regulations, and by-laws, as they may consider necessary to carry out the objects contemplated by this act of incorporation.

Sec. 9. Be it further enacted, That the said company shall have the right to enter or to take possession of any land upon the island of Galveston, or on the main land at the said Virginia Point, which may be necessary for the purpose of said bridge; provided, the quantity shall not exceed at either place fifty acres; and also, to take possession of any portion of the Deer Island,

for the passage of the bridge, to an extent not to exceed in width one hundred yards, by paying the owner or owners of the land whatever price may be agreed upon: and should the said owner or owners of the land not be able to agree as to the price, or should be absent or unknown, or unable to contract, the company may petition the chief justice of the county court of the county of Galveston, giving a description of the land which they require, with the names of the proprietors, if they can be ascertained; and the said judge shall then summon a jury of six freeholders, not interested in the company, who, on oath, shall make a report of the value of the land so required; and upon the payment thereof, by the company, either to the owner or to the treasurer of the county, a good and bona fide title shall be granted by the judge, a copy of which shall be recorded in the office of the clerk of the county court of said county.

Sec. 10. Be it further enacted, That said company shall have the right to occupy, gratis, any portion of the public domain over which said bridge may be constructed; provided the same shall not be more than one hundred yards wide.

Sec. 11. Be it further enacted, That if any person or persons whatsoever shall wilfully, by any means whatsoever, injure, molest, or destroy any part of the bridge constructed by said company, under this act, or any of their works, buildings, materials or fixtures, or other property, such person or persons so offending, shall, each of them, be liable for all damages occasioned thereby, and at any time within twelve months after such offence shall have been committed; and upon conviction, be fined not exceeding two thousand dollars, or imprisoned not exceeding twelve months, or both, at the discretion of the court.

Sec. 12. Be it further enacted, That the said bridge shall be commenced within eighteen months, and finished within three years; otherwise this charter shall be forfeited, and forever after null and void.

Sec. 13. Be it further enacted, That this act shall not be so construed as to permit banking privileges in any form whatever; and should the same be exercised in any form or manner, this charter shall be forfeited.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,

President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

AN ACT

To repeal so much of an act, as provides for Consular Certificates.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all that portion of the fourth section of an act entitled "An act altering the several acts to raise a public revenue by impost duties," approved February the fifth, eighteen hundred and forty, requiring consular certificates to accompany all invoices of goods imported into this republic, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That so much of the fifth section of the aforesaid act, as provides that appraisers shall be paid by the importer or introducer of goods, twenty-five dollars per day, be, and the same is hereby repealed, and that hereafter the appraisers employed by the collector, shall be entitled to five dollars per day, and no more, to be paid out of any public monies in the hands of the collector, and not by the importer or introducer, as heretofore.

Sec. 3. Be it further enacted, That this act take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 1st, 1841.

DAVID G. BURNET.

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JOINT RESOLUTION

Requiring Sheriffs of certain Counties to perform certain duties.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Sheriffs of the following counties are hereby constituted collectors of the republic revenue arising from impost duties for their respective counties, to wit;—Jefferson, Jasper, Sabine, Shelby, Harrison, Panola, Paschal, Red River, Lamar, Bowie, Fannin, San Augustine and Nacogdoches, and for a compensation of their services, they shall be allowed ten per cent. upon the whole amount so collected: provided, citizens of any of the given counties shall first obtain a passport, and pay the duties to the Sheriff

or deputy of the county where said citizen may reside, of any such county; all strangers or foreigners, or citizens of any county not mentioned in this act, introducing goods, shall pay the duties to the Sheriff of the county in which first introduced, and his receipt shall be good for the same; any person violating this act shall be subject to the pains and penalties of the revenue laws; provided, that the provisions of this section shall not be so construed as to apply to goods introduced in any other county except those specified in this act; provided also, that the ten per cent. paid to the Sheriffs for collecting, shall be the only expense the government shall incur in the collection of the impost duties in said district.

Sec. 2. Be it further resolved, That so much of the act authorizing the appointment of collectors by the President in that portion of the Republic comprehended in the above named counties, be, and the same is hereby repealed.

Sec. 3. Be it further resolved, That the secretary of the treasury shall require of the Sheriff of each of the counties mentioned in this act, such bonds with security as will insure a faithful discharge of the duties as ex-officio collectors.

Sec. 4. Be it further resolved, That it shall be the duty of the secretary of the treasury, to issue to the Sheriffs of the several counties named in this act, such instructions as he may deem necessary to insure the faithful collection of the duties, and a strict compliance with the true intent and meaning of this act.

Sec. 5. Be it further resolved, That this act shall be in force and take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 6th, 1841.

DAVID G. BURNET.

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### AN ACT

Authorizing any holder of Promissory Notes, Bonds, Funded Debt, or any other liquidated claims against the government, to surrender the same, and receive in lieu thereof, Land Scrip.

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, any individual who shall present to the secretary of the treasury any promissory

notes, bonds, funded debt or other liquidated demands against the republic of Texas, shall be entitled upon the cancelling of the same, to receive from the secretary of the treasury a certificate of the fact, that so much has been deposited and cancelled; upon the presentation of which certificate to the commissioner of the general land office, he shall be authorized and required to issue to the said holder, land scrip to the amount thereof, at the price of two dollars per acre.

Sec. 2. Be it further enacted, That the said land scrip shall be in such form, as shall be approved by the President, shall be signed by the commissioner of the general land office, and countersigned by the secretary of the treasury.

Sec. 3. Be it further enacted, That the said land scrip shall be in quantity not less than six hundred and forty acres, and three hundred and twenty acres, shall be located, surveyed, and patented according to the law now in existence; provided, that said three hundred and twenty acres shall only be issued to actual citizens of the republic.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

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## JOINT RESOLUTION

For the relief of the Clerks, Door-Keepers and Seargeants-at-Arms,  
of the Senate and House of Representatives.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the clerks, seargeants-at-arms and door-keepers, shall be entitled to ten dollars per diem, in addition to the amount allowed by an act entitled an act compensating officers of the civil list, approved December the 9th, 1836, and two dollars per diem to the door-keepers for porters,—and the auditor and comptroller are hereby directed to audit and pass the same; and the secretary of the treasury is hereby required to issue a sufficient amount of the eight per cent. bonds or promissory notes of the government to pay the same.

Sec. 2. Be it further [resolved,] That from and after the passage of this joint resolution, the chief clerk of the Senate shall receive pay only during the session of congress, and it shall be

his duty immediately upon the adjournment of each and every session of congress to deliver to the chief clerk of the house of representatives all records, documents and property of every description belonging to the senate.

Sec. 3. Be it further resolved, That the chief clerk of the house of representatives shall be sworn by the President of the senate for the faithful performance of the duties herein imposed upon him, and to preserve the secrets of the senate; and he shall be required to close all the business, copy and bring up all the records, and preserve all the archives and property of the senate.

Sec. 4. Be it further resolved, That the extra pay, provided in the first section of this joint resolution, shall only be allowed to the officers therein named, for and during the present session of congress and no longer, and shall only extend to the officers that may be in the employ of the two houses at the close of the session.

Sec. 5. Be it further resolved, That no officer of the house of representatives who has received, or may receive extra pay by virtue of the simple resolution of the house, shall be entitled to the benefits of the first section of this joint resolution.

Sec. 6. Be it further resolved, That this joint resolution be in force from the second day of November last.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

## JOINT RESOLUTION

For the relief of the Clerks of the Naval and other Bureaus.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the clerks of the Naval Bureau, the Post Office and the Stock Commissioner's office, shall be allowed the same salary as the heads of other bureaus.

Sec. 2. Be it further resolved, That this resolution take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 3d, 1841.

DAVID G. BURNET.

JOINT RESOLUTION

Authorizing the Postmaster General to suspend all Contracts for carrying the Mail for the year 1841.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Postmaster General, be, and he is hereby instructed to suspend all contracts for carrying the mail until the 20th day of December, 1840, unless congress shall otherwise direct.

Sec. 2. Be it further resolved, That this joint resolution shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved 12th December, 1840.

MIRABEAU B. LAMAR.

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AN ACT

Of Limitations.

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 approval or final passage of this act, all actions of trespass for injury done to the estate, or property of another; all actions for detaining the personal property, and for converting such personal property to one's own use; all actions for taking away the goods and chattels of another; and all actions upon open accounts, other than such accounts as concern the trade of merchandise between merchant and merchant, their factors and servants, shall be commenced and sued within two years next after the cause of such action or suit, and not after. All actions for injuries done to the person of another, as of assault, battery, wounding or imprisonment, and all actions for injuries done the character or reputation of another, as of libel, or slander, shall be commenced and sued within one year next after the cause of such action or suit, and not after: and all actions of debt grounded upon any contract in writing, shall be commenced and sued within four years next after the cause of such action or suit, and not after.



Sec. 2. Be it further enacted, That judgment in any court of record within this republic, when execution hath not issued within twelve months after the rendition of the judgment, may be revived by scire facias, or an action of debt brought thereon, within ten years next after the date of such judgment, and not after; or where execution hath issued and no return is made thereon, the party in whose favor the same was issued shall and may move against any Sheriff or other officer, or his or their security or securities, for not returning the same within five years from the day on which it was returnable, and not after; provided, that always when any person or persons entitled to such judgment, where execution hath not issued and no return made, (in either case,) shall be or were under the age of twenty-one years, was a married woman, a person of unsound mind, imprisoned, or not within the republic, at the time of such judgment being rendered or such execution being returnable, every such person, his or her heirs, executors or administrators, shall and may, notwithstanding the said ten or five years are, or shall have, expired, have the benefit of said judgment, where no execution hath issued, by reviving the same by scire facias or by action of debt; and where execution hath issued, and no return made, every such person, his or her heirs, executors or administrators may have the benefit of other executions, or may move against the Sheriff or other officer, or his or their security or securities for the same, within five years next after such disabilities be removed, and not after.

Sec. 3. Be it further enacted, That all actions or suits founded upon any account for goods, wares or merchandise sold and delivered, or for any articles charged in any store account, shall be commenced and sued within two years next after the cause of such action or suit, and not after, except that in the case of the death of the creditors or debtors, or removal of the debtor before the expiration of said term of two years, the further term of one year, from the death of such creditor or debtor, shall be allowed for the commencement of any such action or suit; provided, that in case of the removal of the debtor out of the county where such debt was created, no act of limitations shall run, unless the person removing shall, ten days previous to his removal, put up a notice in writing at the seat of justice of the county from which he may be about to remove, setting forth his intentions to remove.

Sec. 4. Be it further enacted, That to prevent imposition or deception, herein the respective times or dates of the delivery of the several articles charged in any such account, or in any receipt taken for the delivery of them, shall be particularly specified; and if any merchant or trader shall wilfully postdate any article or articles, in such account, or the receipt taken for the de-

livery of them, he shall forfeit and pay ten-fold the article or articles so postdated, to be recovered with cost before a justice of the peace where the penalty does not amount to one hundred dollars; and by suit in the district court where the penalty may amount to that sum or upwards, the whole of which shall go to the informer or plaintiff in the prosecution.

Sec. 5. Be it further enacted, That to prevent evasion hereof in regard to the time of the cause of such action or suit, or the time at which such account became due, it is hereby provided, that no recovery shall be had for any article charged in such account, which was entered, charged or delivered for a term of two years or upwards before the commencement of such action or suit, except in the case of the death of the creditor or debtor, before the expiration of one year from the time of such action or suit, and in that case no article shall be allowed which shall appear to have been charged or delivered three years or upwards before the commencement of such action or suit.

Sec. 6. Be it further enacted, That if in any of the said actions or suits, judgment be given for the plaintiff, and the same be afterwards reversed by error, or a verdict passed for the plaintiff, and upon matter alleged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, petition or bill; in all such cases the party plaintiff, his heirs, executors or administrators, (as the case shall require,) may commence a new action or suit from time to time, within one year next after such judgment reversed or such judgment given against the plaintiff, and not after.

Sec. 7. Be it further enacted, That if any suit be brought against any executor or administrator or other person having charge of the estate of a testator, or of an intestate, for the recovery of a debt due upon an open account, it shall be the duty of the court, before whom suit shall be brought, to cause to be expunged from such account, every item thereof, which shall appear to have been due two years before the death of the testator or intestate. And if any person shall wilfully postdate any such account, he shall forfeit and pay ten-fold the amount of the articles so postdated, to be recovered before a justice of the peace, when the penalty incurred shall be less than one hundred dollars, or by suit in the district court when the penalty amounts to that sum or upwards.

Sec. 8. Be it further enacted, That each and every claim for money, which has been due for more than five years, and less than ten years, an action shall be commenced thereon within one year from the passage of this act, and not thereafter.—On each and every claim for money due for ten, and less than fifteen years,

action shall be commenced within six months from the passage of this act, and not thereafter,—on each and every claim for money due for fifteen years and upwards, action shall be commenced within three months from the passage of this act, and not thereafter; and in each of the cases mentioned in this section, the defendant shall be admitted to plead payment, and to support this plea may rely upon the circumstances, or the presumption arising from the lapse of time.

Sec. 9. Be it further enacted, That no writ of error or superseas shall be granted to any judgment at law, nor shall a bill of review be granted to any decree pronounced in equity after two years from the time such judgment or decree shall have been made final.

Sec. 10. Be it further enacted, That any person absenting himself beyond sea or elsewhere for seven years successively, shall be presumed to be dead in any cause wherein his death may come in question, unless proof be made that he was alive within that time; but an estate recovered on such presumption, if in a subsequent action or suit the person presumed to be dead, shall be proved to be living, shall be restored to him who shall have been evicted, and he may moreover demand and recover the rents and profits of the estate during such time as he shall be deprived thereof (with lawful interest.)

Sec. 11. Be it further enacted, That no law of limitations except in the cases provided for in the eighth section of this act, shall run against infants, married women, persons imprisoned or persons of unsound mind, during the existence of their respective disabilities; and when the law of limitations did not commence to run prior to the existence of these disabilities, such persons shall have the same time allowed them after their removal, that is allowed to others by this and other laws of limitations now in force.

Sec. 12. Be it further enacted, That when an action may appear to be barred by a law of limitations, no acknowledgment of the justice of the claim, made subsequent to the time it became due, shall be admitted in evidence to take the case out of the operation of the law, unless such acknowledgment be in writing and signed by the party to be charged thereby.

Sec. 13. Be it further enacted, That no action shall be brought against any emigrant of the republic, to recover a claim which was barred by the law of limitations of that country or state from which he emigrated; nor shall an action be brought to recover money from an emigrant who was released from its payment by the bankrupt or insolvent laws of the country or state from whence he emigrated.

Sec. 14. Be it further enacted, That the person who has or shall have right of entry into any real estate, consisting of lands, tenements or hereditaments, shall make entry therein within ten years next after this right shall have accrued, and on failure shall be forever barred thereafter. Yet if the person entitled shall have been, or shall be under the age of twenty-one years, a feme covert, or insane, or if forcible occupation of the premises, or county containing them by a public enemy, prevent entry, the time of such disability shall not be computed as a part of the period of limitation. The death of one, dying possessed of such estate without right, shall not be such descent to the heir of the decedent as to bar entry of the person entitled at the time of the descent, unless such decedent shall have had five years' peaceable possession. Peaceable possession within the scope of this act, is such as is continuous and not interrupted by adverse suit to recover the estate.

Sec. 15. Be it further enacted, That every suit to be instituted to recover real estate, as against him, her or them, in possession under title, or color of title, shall be instituted within three years next after the cause of action shall have accrued, and not afterwards; but in this limitation, is not to be computed the duration of disability to sue from the minority, coverture or insanity of him, her or them having cause of action. By the term title, as used in this section, is meant a regular chain of transfer from or under the sovereignty of the soil: and color of title is constituted by a consecutive chain of such transfer down to him, her or them in possession, without being regular, as if one or more of the memorials or muniments be not registered, or not duly registered, or be only in writing, or such like defect as may not extend to, or include the want of intrinsic fairness and honesty, or when the party in possession shall hold the same by a certificate of headright, land warrant or land scrip, with a chain of transfer down to him, her or them in possession; and provided, this section shall not bar the right of the government.

Sec. 16. Be it further enacted, That he, she or they, who shall have had five years like peaceable possession of real estate, cultivating, using or enjoying the same and paying tax thereon, if any, and claiming under a deed, or deeds, duly registered, shall be held to have full title, precluding all claims, but shall not bar the government, and saving to the person or persons having superior right and cause of action, the duration of disability to sue arising from non-age, coverture or insanity.

Sec. 17. Be it further enacted, That ten years of such peaceable possession and cultivation, use or enjoyment thereof, without any evidence of title, shall give to such naked possessor

full property precursive of all other claims, in and to six hundred and forty acres of land, including his, her or their improvement,—yet the right of the government is not to be barred, and there is saved to the person or persons having the title and cause of action the duration of disability to sue for non-age, coverture or insanity.

Sec. 18. Be it further enacted, That the obligors or any one or more of them, whose name or names appear to any statutory bond, concerning which it is, or shall be by law provided, that it is to be, or shall become a judgment, or have the effect thereof, shall have one year next after the actual or ostensible forfeiture of the same, to move the proper court to quash said bond, or otherwise to move for, and have any issue or issues, and a jury to try the same, or any other matter of fact, which on a regular action on such bond might properly defeat or modify a recovery thereon against such obligor or obligors.

Sec. 19. Be it further enacted, That hereafter any party to a judgment or decree of any district court, except judgments on appeals from justices of the peace, which are to be final, believing himself, herself or themselves aggrieved, or the legal representative of such party, may have an appeal to the supreme court, within six months next after the adjournment of the court in which the rendition of such judgment or decree was made, which appeal shall be granted in open court at the term of the judgment or decree without petition or citation, or at any time afterwards within the year, by application to the clerk, and citation to the adverse party, or his, her or their attorney, to be served at least ten days next before the first day of the return of the appeal. The appeal shall be of right; but the final process on the judgment, or decree below, shall not be superceded, unless the appellant give bond with surety or sureties approved by the court or clerk below, to the appellee, to be void upon condition, that if the judgment or decree be not reversed, but be wholly confirmed, the appellant shall satisfy the amount adjudged as well as the condemnation of the supreme court; if such citation be not issued, or if issued, be not so served, and if the appellee do not enter appearance in the appellate court, the appellant not being in fault, the said court may award an alias citation; if the citation be served within fifteen days next prior to the first day of the succeeding term of the supreme court, the cause shall be returnable to the term next afterward, or second term.

Sec. 20. Be it further enacted, That any grant, deed or instrument for the conveyance of real estate, or personal, or both, or for the settlement thereof in marriage, or separate property or conveyance of the same in mortgage, on trust to uses, or on con-

ditions, as well as any and every other deed or instrument required, or permitted by law to be registered, and which shall have been heretofore registered, shall, from the passage of this act, be held to have been duly registered, with the full effects and consequences of the existing laws: provided, the same shall have been acknowledged by the grantor or grantors, maker or makers, before any chief justice of the county court, or before any notary public, or before the clerk of the county court in whose office such record is proposed to be made, or proved before such officer by one or more of the subscribing witnesses, and certified by such officer; any obscurity or conflict in the existing laws, to the contrary notwithstanding.

Sec. 21. Be it further enacted, That every grant, deed or instrument, mentioned in the twentieth section of this act, hereafter to be made and recorded, shall be duly registered in the office of the proper county, upon the acknowledgment of the parties or party signing the same, before the register, or clerk of the county court of that county, or chief justice of the county, or a notary public thereof, or any associate, or the chief justice of the supreme court, or proved by a subscribing witness before any such officer, and certified by him for record, and if it be so acknowledged and certified, there need be no subscribing witnesses; and the register shall certify thereon the day when the same shall be delivered for registration, give a receipt therefor, if required, and record the same within one month thereafter, under the forfeiture to the party injured, for neglecting either particular, of five hundred dollars, and accumulative liability to such party for recovery of vindictive damages; and such grant, deed or instrument, so delivered for registration, shall, according to its nature and character, have full effect, validity and priority, from and after its date of presentation or delivery for registration, against subsequent purchasers and creditors; and such acknowledgment or probate certificate and registration, or either, as between the parties and their legal representatives, and all subsequent purchasers, and creditors, with actual notice, or reasonable information of the grant, deed, or instrument, shall not be deemed requisite in order to its full effect, validity and priority, according to its intrinsic nature; if any such grant, deed or instrument executed abroad shall be acknowledged, or proved by two subscribing witnesses, before any circuit or supreme judge, or chancellor of the United States of North America, certified by him, with the certificate of the chief magistrate of the nation, as to the official character of him taking acknowledgment, or probate; and the great seal of the United States, thereto annexed, or if so acknowledged or proved before any judge of a supreme court of

record, or in any such court of any other nation or kingdom, and certified by such judge, or the record thereof exemplified, and either so counter certified by the chief magistrate or sovereign of such other nation or kingdom, under the great seal; or by the consul of this republic, or minister resident there; the same shall be admitted to record, and shall be good and effectual, as aforesaid, from and after registration.

Sec. 22. Be it further enacted, That if any person against whom there is or shall be cause of action, is or shall be without the limits of this republic at the time of the accruing of such action, or at any time during which the same might have been maintained, then the person entitled to such action shall be at liberty to bring the same against such person or persons after his or their return to the republic and the time of such persons' absence shall not be accounted, or taken as a part of the time limited by this act.

Sec. 23. Be it further enacted, That all certificates for head-rights, land scrip, bounty warrant, or any other evidence of right to land recognized by the laws of this government, which have been located or surveyed, shall be deemed and held as sufficient title to authorize the maintenance of actions of ejectment, trespass, or any other legal remedy given by law; all laws to the contrary notwithstanding.

Sec. 24. Be it further enacted, That the second section to adopt the common law, &c., approved January the twentieth, one thousand eight hundred and forty, which repealed the laws of limitation or prescription then in force, shall not be so construed as to revive any claim which had been barred by said laws; and all claims against which said laws had commenced to run, shall be barred by the lapse of time which would have barred them had those laws continued in force; provided, the said time be shorter than that by which they would have been barred by the other sections of this act.

Sec. 25. Be it further enacted, That this act shall not be construed to prejudice the claims of those to real estate that would have been quieted at an earlier time by the twelfth section of "An act organizing the Inferior Courts," &c., approved December the twenty-sixth, eighteen hundred and thirty-six; and the said section shall be considered to continue in full force whenever it would quiet titles to land at an earlier period than this act.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

## AN ACT

Supplementary to "An Act to Detect Fraudulent Land Certificates, and to provide for issuing Patents to Legal Claimants."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That any individual holding or owning any headright certificate issued by any board of land commissioners of the republic of Texas, which certificate may not have been recommended as genuine and legal, by the general and local commissioners appointed under the act to which this is a supplement, may file his petition, under oath, in the district court of the county where such certificates were issued, setting forth the grounds on which he founds his claim; and also stating that he is entitled to the amount of land claimed by virtue of his emigration to this country, or by virtue of the assignment of the headright claim of an actual emigrant and citizen of the country, of which petition there need not be any service, but the same shall be filed in the office of the clerk of the district court, at least five days before the commencement of the term of the court at which it may be tried; to which the general issue shall be considered as pleaded by the republic: whereupon, a jury shall be empaneled, as provided in other cases, and only by oral testimony heard to try said cause; and should the jury find in favor of the claimant, it shall be the duty of the clerk to make out a certificate to that effect, under the seal of the court, and approved by the presiding judge; which certificate shall be handed over to the successful claimant.

Sec. 2. Be it further enacted, That it shall be the duty of the clerks of the several district courts, within twenty days after the adjournment of each and every term of said court, to transmit to the Commissioner of the General Land Office, a list of all the individuals who may have been successful in the suits instituted under this act, in his said county, specifying the amount of land to which they were declared, by the court and jury, to be entitled; which certificate shall be under the seal of said court, to which shall be appended the affidavit of the said district court clerk, of the correctness of said list; and it shall further be the duty of the chief justice of the county in the district court of which said suit was decided in favor of the claimant, to examine the records of said district court of his county; and if the list is found to be correct, it shall be his duty to certify to the same, under the seal of the county court.



Sec. 3. Be it further enacted, That upon the receipt of said list from the district clerks, by the Commissioner of the General Land Office, and upon the claimant presenting his certificate as before provided for, to said commissioner, it shall be the duty of said commissioner forthwith to issue a patent on said claim, in the same manner as if said claim had been recommended as genuine and legal by the board of commissioners appointed under the act to which this is a supplement.

Sec. 4. Be it further enacted, That it shall be the duty of the district judge, at the trial of the suit herein specified, to appoint an attorney to assist the regular district attorney, whose mutual duty it shall be to represent the interest of the republic; and should said claimant fail in his suit, he shall be charged in bill of costs a tax fee of fifty dollars, in Texas treasury notes, which shall be collected by the sheriff, by levy and sale, without the usual credit of twelve months; and which shall be divided equally among the said attorneys, for the republic, and shall be considered full compensation for the services of said attorneys.

Sec. 5. Be it further enacted, That before the trial of any suit, provided for by this act, the district attorney may demand security for costs, and no claim shall be granted by a jury except upon the parol testimony of two good and creditable witnesses, given in under oath.

Sec. 6. Be it further enacted, That upon good and sufficient cause shown, the court may grant a new trial either to the claimant or to the republic; provided, that not more than one new trial shall be granted to either party: and further provided, that the republic have the same number of peremptory challenges as the party suing for the land.

Sec. 7. Be it further enacted, That it shall be the duty of the successful claimant, upon his receipt of his certificate from the clerk of the district court, as before provided, to pay to the said clerk the sum of ten dollars, in Texas treasury notes, which shall cover all costs in and about said suit.

Sec. 8. Be it further enacted, That any individual herein required to take an affidavit, who shall swear falsely, besides suffering all the pains and penalties of perjury, on conviction thereof before the district court, shall also be dismissed from office, and may be fined in a sum of not more than one thousand dollars, at the discretion of the court.

Sec. 9. Be it further enacted, That it shall be the duty of the claimant under this law, to prove that he obtained a certificate from the board of land commissioners of the county where such suit is brought, and that the commissioners to investigate the land offices; have not reported the same as genuine; but

said certificate shall not be considered as any evidence of the genuineness of the claim, and the same shall be proven, *de novo*, in the same manner as provided by the land law, approved December the fourteenth, one thousand eight hundred and thirty-seven.

Sec. 10. Be it further enacted, That section sixth, of the act to which this is a supplement, be so amended, that when certificates have issued to assignees, and have been or may hereafter be approved by the commissioners, established under the provisions of the said act, it shall be the duty of the Commissioner of the General Land Office, to issue the patent in the name of the assignee, whose name appears in the certificate; provided, that upon application for such patents, the person so applying, shall be required to present, or exhibit to the Commissioner of the General Land Office, a regular train of transfer duly authenticated from the original claimant.

Sec. 11. Be it further enacted, That all individuals who are entitled to headright certificates of the first class, and who have not yet received them from any of the boards heretofore in existence, are hereby authorized to file their petition; and upon their going through all the formalities prescribed by this act, obtaining the verdict of a jury in their favor, and the certificate of the clerk, approved by the Judge, and their presentation of certificates authenticated as before provided, to the Commissioner of the General Land Office, it shall be the duty of the Commissioner, to issue a certificate to said claimant, in form and manner as heretofore issued by the former boards of commissioners.

Sec. 12. Be it further enacted, That any person who conceives himself entitled to land, but has obtained a certificate from a board for too much land, he may deliver the same to the district judge of the county where the certificate was issued, who shall destroy the same, after which, he, or she, may apply for the quantity of land to which he, or she, may be entitled, and shall make the same proof, and be entitled to the same privileges, as required and granted by the provisions of this act.

Sec. 13. Be it further enacted, That this act take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

## AN ACT

To Authorize the raising of a Corps of Volunteers to dislodge the Hostile Indians on the upper Brazos River.

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 and required, to appoint a suitable person to raise and accept the services of three hundred volunteers, for the term of three months' service, unless sooner discharged, for the purpose of marching forthwith up the Brazos river, against the hostile Indians.

Sec. 2. Be it further enacted, That so soon as the above mentioned number of volunteers shall rendezvous at some convenient place, they shall organize and elect their usual number of company officers for every sixty men, who shall present themselves at the place of rendezvous well mounted, armed, and equipped, with a good rifle, or gun, together with the other necessary equipage for the campaign.

Sec. 3. Be it further enacted, That so soon as the competent number of volunteers have organized themselves as aforesaid, the commandants of companies shall report their respective commands to the Secretary of War, who shall furnish the necessary instructions for the direction and management of the aforesaid campaign, and the companies so raised, shall elect a Major to command the expedition, who shall be entitled to the monthly pay of a major, and no more; any law to the contrary notwithstanding.

Sec. 4. Be it further enacted, That the commander of said troops, shall be authorized to draw upon the proper department, for the amount of ammunition necessary for the use of the volunteers in said expedition; and the said command shall further be authorized to make use of any beeves belonging to the government, that they may be able to obtain.

Sec. 5. Be it further enacted, That ten thousand dollars, are hereby appropriated for the special purpose of purchasing beef for said expedition.

Sec. 6. Be it further enacted, That this act shall take effect and be in force from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
DAVID G. BURNET,  
President of the Senate.

Approved December 12th, 1840.

MIRABEAU B. LAMAR.

AN ACT

To Repeal "An Act to provide for the Redemption of the Promissory Notes," &c., approved.

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, so much of the above act as relates to the bonding or funding of the promissory notes or liabilities of the government, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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JOINT RESOLUTION

Making Appropriation for Pay of District Judges, for the year eighteen hundred and forty, and for other purposes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Secretary of the Treasury be authorized, and he is hereby required to issue a sufficient amount of the government bonds to pay the district judges for their salaries, for the year eighteen hundred and forty, and a sufficiency of said bonds are hereby appropriated to carry into effect this act.

Sec. 2. Be it further resolved, That this act, and the act passed making a general appropriation for the support of government for the year eighteen hundred and forty-one, shall take effect from and after the passage of this act.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

## AN ACT

Legalizing and Confirming certain Marriages therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That whereas, many persons heretofore, previous to the passage of an act approved June the fifth, eighteen hundred and thirty-seven, regulating marriages, and for other purposes, had, for the want of some person legally qualified to celebrate the rites of matrimony, resorted to the practice of marrying by bond; and others have been married by various officers of justice, not authorized to celebrate such marriages; and whereas, public policy and the interest of families require a further legislative action on the subject: Therefore all such marriages are declared legal and valid, to all intents and purposes; and the issue of such persons are hereby declared legitimate children, and capable of inheritance.

Sec. 2. Be it further enacted, That in cases where persons have so intermarried, agreeably to the custom of the times, and where husband or wife has since died, previous to the passage of this act, then and in that case, the issue of such marriages are hereby legitimized.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate!

Approved February 5th, 1841.

DAVID G. BURNET.

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 AN ACT

To Provide for the Support and Education of Indigent Orphans.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the probate court of the several counties of this republic, shall have full power and authority to provide for the support and education of indigent orphans, by binding them out as apprentices to such person or persons as the court may select, and

deem suitable, until the age of eighteen years, if a male; and sixteen, if a female; and the person to whom such indigent orphans shall be bound, shall engage by a covenant, to be entered in the indenture, to provide the apprentice with a sufficiency of good and wholesome food, necessary clothing, and washing and lodging; also, to teach the said apprentice, the business or occupation which he pursues for a livelihood; and also, to read, write, and cipher, as far as the rule of three; and at the expiration of said apprenticeship, to furnish the said apprentice with two complete new suits of clothing.

Sec. 2. Be it further enacted, That it shall be the duty of the probate court, to take care that the said apprentice is bred up in honest and industrious ways; and that the tutor or tutoress, in all respects, performs the stipulations of the indenture; and it shall be lawful for the said court, upon the complaint of any apprentice, by themselves or friends, against their tutor or tutoress, to hear and determine the same; and if it shall appear to the satisfaction of the court, that such complaint is well founded, and of sufficient magnitude to make a removal necessary, the court shall have power to remove such apprentice, and to bind him or her to such other persons as may be thought proper, imposing the same restrictions as before.

Sec. 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 3d, 1841.

DAVID G. BURNET.

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### AN ACT

To Quiet the Land Titles within the twenty Frontier Leagues bordering on the United States of the North.

Whereas, it appears upon an investigation by a committee of both houses of Congress, that the location of land claims made prior to the 17th day of March, 1836, on the twenty frontier leagues bordering on the United States of the North, are contrary to law, and there is good reason to believe that the claims, in their origin, were for the most part absolutely fraudulent

and void; therefore, that the claims of the people within the above mentioned border leagues, may be quieted and settled,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That upon the application of any citizen of this republic, to the Commissioner of the General Land Office, for a patent to lands lying and comprehended within the above mentioned twenty frontier leagues, who would have been entitled to a patent had no claim of land been located within the said border leagues prior to the 17th day of March, 1836, the said commissioner general shall issue a patent to such applicant as if no such location had ever been made.

Sec. 2. Be it further enacted, That all persons claiming to hold lands within the above mentioned twenty border leagues, by virtue of any location made prior to the seventeenth day of March, eighteen hundred and thirty-six, who may wish to try the validity of their claims, shall commence their action within twelve months from the passage of this act; and all such claims founded upon locations made prior to the 17th day of March, 1836, as aforesaid, on which suit shall not be brought within twelve months from the passage of this act, shall be forever barred.

Sec. 3. Be it further enacted, That in all suits which may be brought by authority of the second section of this act, the plaintiff shall file his petition in the clerk's office of the district court of the county where the claim may be alleged to lie, at least ten days before the sitting of the court to which it is made returnable, setting forth the grounds of his claim, and citing the district attorney to appear and contest the same on behalf of the republic, who, together with such assistant counsel as the court or the people may retain, shall represent the republic in all such suits.

Sec. 4. Be it further enacted, That the several courts of this republic, in executing the provisions of this act, shall exercise both equity and common law jurisdiction; and in the trial of any suit authorized by this act, shall be authorized to examine the plaintiff on oath, touching the merits of his petition; and the said courts are hereby directed and required, in the adjudication of all claims or grants purporting to have originated under the laws of Mexico, or the state of Coahuila and Texas, to require of the claimant or grantee, proof of the performance of the conditions of any of his claims or grants; and when any dispute shall arise in respect to the facts of the case, the court may cause the same to be ascertained by a jury, upon an issue to be made

up for that purpose; provided, that no part or portion of this law be considered as in any manner extending to that portion of territory now designated under the surveys of the United States, as the 17th and part of the 16th ranges of townships of Louisiana, heretofore surveyed and sectionized by authority of the United States.

Sec. 5. Be it further enacted, That nothing herein contained shall prejudice or invalidate the settlement or headright claims of any citizen residing within the twenty border leagues heretofore located and surveyed, whose claim shall not exceed one league and labor of land.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved January 9th, 1841.

DAVID G. BURNET.

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### AN ACT

Regulating Sales by Judgment, or Decree of a Probate Court, or Court of Chancery.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all sales, whether by order, judgment, or decree of any probate court, or court of chancery, shall be regulated and governed by the laws governing sales under execution; and all laws which relate to sales under execution, shall be applicable to such sales as above stated, and that this act shall take effect and be in force from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.



## AN ACT

To make certain offences therein named, Grand Larceny, and to prescribe their punishment.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That if any person hath given, or shall give a mortgage or deed of trust upon any personal or movable property, and shall remove the same from this republic, or shall sell or otherwise dispose of the same, within the limits of the republic, with intent to defraud the mortgagee, or person for whose benefit the deed of trust was given, such person so offending, shall be deemed guilty of grand larceny, and shall be punished accordingly.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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AN ACT

Supplementary to an act entitled "An Act to provide for the Return of Surveys, for the Collection of Government dues on Lands, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the chief justices of the respective counties of this republic shall be, and are hereby authorized and required to take and approve the bonds required by law of the county surveyors elected under the provisions of the law to which this is a supplement, and to do all other things necessary to the due installation of the same in their respective offices.

Sec. 2. Be it further enacted, That any county surveyor who shall refuse to deliver up to his properly qualified successor in office, the books and papers, and all other materials appertaining to the same, upon application made in writing, or shall suppress or withhold any part or portion of the same, shall be deemed guilty of a high misdemeanor, and upon conviction therefor, be-

fore the district court, by bill of indictment or information filed, shall be subject to a fine of one thousand dollars.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 3d, 1841.

DAVID G. BURNET.

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### JOINT RESOLUTION

Fixing the Compensation of the Heads of Departments and Bureaus, and the Clerks in the several Departments and Bureaus of Government.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the compensation of the chief clerks of departments and bureaus, and heads of bureaus, shall be at the rate of five hundred dollars per annum, in par funds, or its equivalent, which shall be decided by the Secretary of the Treasury; and the compensation of assistant clerks shall be at the rate of four hundred and fifty dollars in par funds, or its equivalent, per annum; provided, the compensation in promissory notes, as now allowed by law, shall not be diminished; and the heads of departments shall be allowed five hundred dollars per annum in promissory notes, in addition to that allowed by law.

Sec. 2. Be it further resolved, That so much of the eight per cent. bonds of the government as will be necessary to carry out the provisions of this joint resolution, is hereby specially appropriated.

Sec. 3. Be it further resolved, That this joint resolution shall be so construed as to take effect from and after the first day of January, 1841.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

## AN ACT

Supplementary to "An Act to re-organize the several Judicial Districts, and to create the sixth and seventh Districts," approved January twenty-ninth, eighteen hundred and forty.

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 district courts of the county of Robertson, shall be holden on the first Mondays after the fourth Mondays in March and October in each year, and may continue one week: all process heretofore made returnable to the regular terms of said court, shall be returnable to the term herein prescribed.

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

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

## AN ACT

To Encourage Frontier Protection.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the settlers on the frontier borders of each one of the counties of Fannin, Lamar, Red River, Bowie, Paschal, Panola, Harrison, Nacogdoches, Houston, Robertson, Milam, Travis, Bexar, Gonzales, Goliad, Victoria, Refugio, San Patricio, Montgomery, and Bastrop, may organize themselves into volunteer companies, of not less than twenty nor more than fifty-six men, rank and file; provided, only one company shall be raised in each county.

Sec. 2. Be it further enacted, That each company when raised, may assemble at the most convenient place in the county, for the purpose of electing their officers: which election shall be conducted by some acting justice of the peace, whose certificate of the same, together with a correct muster roll of the company, shall be forwarded by the captain elect, to the chief justice of the

county, who, upon the reception of such returns from the captain, will approve and forward the same to the Secretary of War.

Sec. 3. Be it further enacted, That said companies shall hold themselves in readiness as minute men, for the purpose of affording a ready and active protection to the frontier settlements: the members of said companies shall at all times be prepared with a good substantial horse, bridle, and saddle, with other necessary accoutrements, together with a good gun, and one hundred rounds of ammunition; and in addition to this, when called into service, such number of rations as the captain may direct.

Sec. 4. Be it further enacted, That the captains shall have full command of their companies, and ample authority to enforce all orders in accordance with the rules and articles of war; said companies shall not be called into active service, unless the settlements are threatened with extraordinary danger; and in all cases when the company is called out, the captain shall keep a muster roll of the members present in the expedition, noting the length of time in service, and on his return, shall make return thereof to the chief justice of the county, to be approved and forwarded to the Secretary of War.

Sec. 5. Be it further enacted, That the members of said companies, from the date of their enrolment to the date of their discharge, shall be exempt from performing any kind of militia duty, from working on roads or public highways, from paying a state, county, and corporation poll tax, and the tax assessed by law upon one saddle horse.

Sec. 6. Be it further enacted, That the captains of said companies, may, when they deem it prudent, detail from their companies, a number of spies, not more than five, to act upon the frontiers of their several counties.

Sec. 7. Be it further enacted, That when service shall be rendered by the whole, or a part of any of one said companies, the captain shall make out a muster roll of the same, and certify that it is correct, and in strict accordance with this act, and forward the same to the chief justice of the county, which, by him, if approved, shall be forwarded to the Secretary of War, upon which muster roll, if certified and approved as above, each individual rendering such service, shall receive one dollar per day in par funds, or its equivalent; provided, that the members of said companies, shall not receive pay on any one expedition for a longer period than fifteen days; and on the several expeditions within one year after their organization, shall not receive pay for a longer period than four months in the aggregate, excepting the spies for every year thereafter; and so long as this act remains

in force, the said companies shall be paid according to the same rates as herein provided for the first year.

Sec. 8. Be it further enacted, That the chief justice of any of said counties, shall not approve any muster roll returned to him under the provisions of this act, unless he believes the same be just, and that the safety of the country strictly required the service which is therein purported to have been rendered.

Sec. 9. Be it further enacted, That this act be in force and take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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### AN ACT

For the relief of Certain Free Persons of Color.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That William Ainsworth, Abner Ainsworth, David Ainsworth, Aaron Ainsworth, Elisha Thomas, and all free persons of color, together with their families who were residing Texas on the day of the Declaration of Independence, are, and shall be exempt from the operation and provisions of an act of Congress, entitled "An Act concerning free persons of color, approved fifth of February, A. D. one thousand eight hundred and forty;" and that the above named persons, with their families, are hereby granted permission to remain in this republic, anything in the laws of the country to the contrary notwithstanding.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

DAVID G. BURNET,  
President of the Senate.

Approved 12th December, 1840.

MIRABEAU B. LAMAR.

## AN ACT

## Regulating the Sale of Runaway Slaves.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That where any slave is now in the jail of any county of this Republic, or shall hereafter be committed to the jail thereof as a runaway, a notice of the apprehension and commitment, with a full description of said slave, shall be published weekly in one of the Gazettes at the seat of Government, for the space of one month, and printed copies thereof shall be furnished to the clerk of the County Court of the County in which the commitment is made, to be carefully filed and preserved in his office, and it shall be the duty of the sheriff or jailor having custody of such slave, to ascertain as nearly as may be, the name of the owner thereof, and to address him or her by regular post, at least twice, giving a full description of said runaway slave, in such manner as may best lead to the discovery and restoration.

Sec. 2. Be it further enacted, That if said runaway slave shall not be claimed and proved by the owner thereof, within six months from the first publication of the commitment of said slave, as aforesaid, the Sheriff of the County in which the commitment was made, shall expose said slave to sale at public outcry at the court house of his proper county, upon giving at least thirty days' previous notice of such sale, by advertisement posted up at, at least two public places in said county, and published in some gazette of the county in which the sale is to take place; or in the next nearest county having a gazette, and out of the proceeds arising from the sale of any runaway slave as aforesaid, the sheriff shall be entitled to the same commission and fees as are allowed in cases of execution, and the balance after paying all prison fees, or fees for the maintenance of said runaway while in custody. Clerk's fees, and expenses of advertising and apprehending, shall be paid into the county treasury for the use of the proper county; provided, that if the owner of any runaway slave thus sold, should prove his property in said slave within three years after said sale, the proper county shall pay to him the amount that shall have been paid into the county treasury, on account of the sale of said slave, but the right to any slave sold as aforesaid, shall be and remain vested in the purchaser under the sale made by the sheriff as aforesaid, any law to the contrary notwithstanding.

Sec. 3. Be it further enacted, That the sheriff making the sale of any runaway slave as aforesaid, shall return a full and clear account and statement of such sale under his hand and seal,

to the clerk of the county court, who shall record the same among the record of deeds.

Sec. 4. Be it further enacted, That all runaway slaves shall be lawfully apprehended by any person, and carried before the next justice of the peace, who shall either commit them to the county jail, or the custody of the sheriff, or send them to the owner, if known, who shall pay for every slave so taken up, the sum of ten dollars to the person apprehending him or her, and all reasonable costs and damages: and if said owner shall fail or refuse to pay said reward and reasonable expenses, the person apprehending and delivering said runaway slaves as aforesaid, shall be entitled to have his action for the recovery of the same before any justice of the peace of the district or precinct in which said owner resides, or in which said slave is delivered up to the owner as aforesaid.

Sec. 5. Be it further enacted, That if any person or persons being convicted, harboring or concealing any negro or negroes belonging to any person or persons whatsoever, or suffering the same so to be, with his consent or knowledge, shall upon conviction of such offence, be fined in a sum not exceeding five hundred dollars, and shall be imprisoned not less than one calendar month, nor exceeding six calendar months, and shall be liable in damages to the party injured, to be recovered by action on the case, before any court having competent jurisdiction.

Sec. 6. Be it further enacted, That this act be in force and take effect from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.

ANSON JONES,  
President pro tem. of the Senate.

Approved February 5th, 1841.

DAVID G. BURNET.

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#### AN ACT

Defining the time of holding the District Court in the County of Ward.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Court shall be held in the County of Ward on the sixth Mondays after the fourth Mondays of March and October in each year, and may continue until the business is dis-

posed of, and the said county of Ward, shall be added to, and compose a part of the second Judicial District, and this act shall be in force from and after its passage.

DAVID S. KAUFMAN,  
Speaker of the House of Representatives.  
ANSON JONES,  
President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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### AN ACT

To amend an act, entitled "An Act regulating attachments," approved January twenty-eighth, one thousand eight hundred and thirty-nine.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the third section of the above recited act as requires the party suing out process of attachment, to make oath that the person or persons, is or are about to remove beyond the jurisdiction of the court, so that the ordinary process of the law cannot be served upon him, her, or them, or that he, she, or they, is or are about to remove his or her property beyond the jurisdiction of the court, and that thereby the debt will probably be lost, be so changed and amended as to require instead thereof that the party shall swear such debtor is about to remove himself or his effects out of the limits of the Republic, and that said recited act, shall not be so construed as to prevent any citizen from removing his domicile from any one county into another county in this Republic.

Sec. 2. Be it further enacted, That before judgment shall be permitted to be entered by any district court in cases where the defendant in attachment fails or refuses to appear and plead as directed by law. The clerk into whose office any attachment shall have been returned, the plaintiff or his attorney, shall cause public notice to be inserted in some newspaper nearest the court, entertaining jurisdiction of the cause for four weeks successively of the pending of the cause, stating fully the amount claimed, property attached, names of parties, and the court wherein the suit is depending.

Sec. 3. Be it further enacted, That from and after the passage of this act, the plaintiff in any writ or process which may be



issued by any of the courts of this Republic, shall be entitled to demand sufficient bail of the defendant to appear and answer the plaintiff's demand not to depart the court without leave, upon said plaintiff's taking and subscribing an oath before some officer, competent to administer the same, setting forth his belief that the defendant is about to remove himself beyond the jurisdiction of the court, which affidavit shall be filed among the papers of the suit, and constitute a part of the proceedings.

Sec. 4. Be it further enacted, That by the term, "beyond the jurisdiction of the court," is meant the limits of the Republic.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 4th, 1841.

DAVID G. BURNET.

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## AN ACT

To Consolidate the several appropriations for the Quartermaster's Department for the year one thousand eight hundred and forty, and for other purposes therein named.

Whereas, by a depreciation of the promissory notes of the government occurring between the time of making the estimates for the use of the army, and the period of the disbandment of the same—the estimates for that reason fell short in several particular instances; and the necessity of the case required that amounts appropriated should be used for other purposes, than those specified in the appropriations, or that by failing so to do, the usefulness of the army would be crippled, and even its further existence endangered: Therefore, for the purposes of meeting the exigencies of the case, and for the relief of the several disbursing officers herein named—

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the several appropriations made by Congress, for the Quartermaster's Department for the expenses of the year eighteen hundred and forty, be, and the same are hereby consolidated into one appropriation; and that the auditor, and comptroller, be authorized and required to pass to the credit of Wm. G. Cooke, Quartermaster General, the amount paid by him, out of said appropriations, for the medical department, ordnance department,

militia and volunteer companies, so far as the same may be correct, and that they be authorized and required to pass to the credit of Wm. L. Cazneau, Commissary General of subsistence, the amounts paid by him for militia and volunteer companies, and for the Quartermaster's Department, so far as the same may be correct.

Sec. 2. Be it further enacted, That the auditor and comptroller have equitable jurisdiction on the rejected vouchers of Wm. G. Cooke, Quartermaster General, for the year eighteen hundred and thirty-nine; and they are hereby authorized and required to pass to the credit of said Wm. G. Cooke, Quartermaster General, such rejected vouchers as they may believe to have been faithfully disbursed by him, on account of the Republic of Texas.

DAVID S. KAUFMAN,

Speaker of the House of Representatives.

ANSON JONES,

President pro tem. of the Senate.

Approved February 3d, 1841.

DAVID G. BURNET.



## [APPENDIX.]

### A PROCLAMATION

BY THE PRESIDENT OF THE REPUBLIC OF TEXAS.

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Whereas, a Treaty of Amity, Navigation and Commerce, between the Republic of Texas, and his Majesty the King of the French, together with three separate articles annexed to the same, was concluded and signed by the respective Plenipotentiaries of the two Governments, at Paris, on the twenty-fifth day of September, one thousand eight hundred and thirty-nine, which treaty and additional articles are word for word as follows:

The President of the Republic of Texas, and his Majesty the King of the French, desiring to regulate, in a permanent manner, the political and commercial relations between Texas and France, have resolved to conclude a Treaty of Amity, Navigation and Commerce, founded on the common interests of the two countries, and which shall establish the formal recognition, on the part of France, of the Independence of the Republic of Texas; and, to this effect, have named for their Plenipotentiaries, That is to say:—

The President of Texas—General James Pinckney Henderson, a citizen of the said Republic; and his Majesty the King of the French—Jean de Dien Soult, Duke of Dalmatia, Marshal and Peer of France, Grand Cross of His Royal Order of the Legion of Honor, &c. &c. &c., his Minister and Secretary of State for the department of Foreign Affairs, President of his Council of Ministers.

And the aforesaid Plenipotentiaries, after having compared and exchanged their several powers, found to be in due form, have agreed upon the following articles.

#### ARTICLE 1.

There shall be perpetual peace and amity between his Majesty the King of the French, his heirs and successors, on the one part, and the Republic of Texas, on the other part; and between the citizens of the two states, without exception of persons or of places.

## ARTICLE 2.

The French and Texians shall enjoy, in their persons and property, in the entire extent of their respective territories, the same rights, privileges, and exemptions, which are or may be granted to the most favored nation. They shall have the right of disposing freely of their property by sale, exchange, by deed of gift, will, or in any other manner, without any impediment or difficulty. In like manner, the citizens of each, inheriting property in either of the states, may become heirs, without any hindrance, to such property which may devolve to them as intestate, and without being held to pay any other or higher tax on the succession than that which shall be paid in similar cases by the citizens of the country themselves. They shall be exempted from all military service,—from all war contributions,—forced loans,—military requisitions, and in every other case, their personal or real estate shall not be subject to any other charge or impost than that which shall be paid by the citizens of the country themselves.

## ARTICLE 3.

If it should happen that one of the two contracting parties be at war with any other power whatever, the other power shall prohibit their citizens from taking or holding commissions or letters of marque to cruise against the other, or to molest the commerce or property of her citizens.

## ARTICLE 4.

The two contracting parties adopt in their mutual relations, the principle “that the flag covers the goods.”

If one of the two parties remains neuter when the other may be at war with a third power, the goods covered by the neutral flag shall also be considered to be neutral, even if they should belong to the enemies of the other contracting party.

It is equally understood, that the neutrality of flag protects also the freedom of persons, and that the individuals belonging to a hostile power, who may be found on board a neutral vessel, shall not be made prisoners, unless they are actually engaged in the service of the enemy.

In consequence of the principle that the merchandise is to be considered as belonging to the nation under the flag of which it sails, neutral property found on board an enemy's vessel, shall be considered as an enemy's, unless it shall have been shipped on board the vessel before the declaration of war, or before knowledge of such declaration in the port from whence the vessel may have departed.

The two contracting parties will not apply this principle, as it may concern other powers, except in the case of those by whom it may be recognized.

## ARTICLE 5.

In case one of the contracting parties should be at war with another power, and her ships at sea should be compelled to exercise the right of search, it is agreed that if they meet a vessel belonging to the other, then neutral, party, they shall send their boat on board said vessel with two persons charged to enter on an examination of the nationality and cargo of said vessel. The commanders shall be responsible for all vexations, acts of violence, which they may either commit or tolerate on such occasion. The search shall not be permitted but on board vessels which navigate without convoy. It will be sufficient when they are convoyed, that the commander of the convoy declares verbally, and on his word of honor, that the vessels placed under his protection, and under his convoy, belong to the state under whose flag he sails, and that he declares, when the vessels shall be destined to an enemy's port, that they have no goods on board, contraband of war.

## ARTICLE 6.

In case one of the two countries should be at war with a third power, the citizens of the other country, shall have a right to continue their commerce and their navigation with the same power, with the exception of the towns or ports, before which there shall be established an actual and effective blockade. It is fully understood, that this liberty of commerce and navigation, shall not extend to articles reputed contraband of war, such as cannon and firearms, swords, pikes, projectiles, powder, saltpetre, objects of military equipment, and all instruments whatever manufactured for the purposes of war. In no case a trading vessel belonging to citizens of either of the two countries, which shall have sailed for a port blockaded by the other state, shall be seized, captured, or condemned, unless the commander has previously been notified of the existence of the blockade, by some vessel making a part of the squadron or division forming the blockade; and in order that no vessel may allege ignorance of the facts, and really be liable to capture, on her re-appearance before the same port whilst the blockade is enforced, the commander of the ships of war who shall first meet her, must endorse on her papers his visa, indicating the date, the place, or latitude, or longitude, where he has visited the vessel and given the notification in question, which shall contain, besides, all the other indications required for the visa.

## ARTICLE 7.

The vessels of one of the two countries, forced into one of the ports of the other by distress, shall be exempt from all duties either upon the ship or cargo, if they enter into no commercial

operations; provided, that the necessity of entering such a port is legally established, and that they do not remain in the port longer than the necessity of the case requires.

#### ARTICLE 8.

The two contracting parties shall have the right to appoint consuls, vice-consuls, and consular agents in all the cities or ports open to the foreign commerce: these agents shall not enter on their functions until they shall have obtained the authorization of the government of the country.

#### ARTICLE 9.

The respective consuls, vice consuls, consular agents, and their chancellors, shall enjoy in the two countries, the privileges which generally belong to their functions, such as exemption from having soldiers quartered upon them, from all direct contributions as well personal as movable or sumptuary, unless however, they are citizens of the country, or that they become proprietors or holders of real estate, or are engaged in commercial business, in either of which cases they shall be subject to the same taxes and charges as other individuals. These agents shall enjoy besides, all the other privileges, exemptions and immunities, which shall be granted in their places of residence, to the agents of the same rank of the most favored nation.

#### ARTICLE 10.

The archives, and in general all the papers of the offices of the respective consulates, shall be inviolable; and under no pretext, nor in any case, shall they either be seized or searched by the local authorities.

#### ARTICLE 11.

The respective Consuls, Vice-Consuls, and Consular agents, shall have the right, on the death of their fellow-citizens, who shall have died without having made a will or nominated testamentary executors, to execute, either by virtue of their office, or at the request of the parties interested, (taking care to give previous notice to the competent local authorities,) all the formalities necessary for the security of the heirs; to take possession, in their name, of the succession; and to liquidate and administer the same, either personally or by substitutes named under their responsibility.

#### ARTICLE 12.

The respective Consuls, Vice-Consuls, and Consular agents, shall be charged exclusively with the internal police of the commercial vessels of their nation; and the local authorities shall not interfere, except in cases of riot or disturbance of a nature calculated to affect the public peace, either on shore or on board other vessels.

## ARTICLE 13.

The respective Consuls, Vice-Consuls, and Consular agents, shall have the right to arrest all sailors who shall have deserted from vessels of war, or merchant vessels belonging to their respective countries, and may send them on board, or to their own country. To this effect, they will address themselves in writing to the competent local authorities, and will justify by the exhibition of the ship's register, or roll of the crew; or if the said ship should have sailed, by a copy of said documents, duly certified by them, that the men whom they claim were a part of the same crew. On this demand thus justified, the delivery shall not be refused them; besides, every aid and assistance shall be given to them in seeking out, seizing and arresting the said deserters who shall even be detained and kept in the prisons of the country, on the requisition, and at the expense of the Consuls, until these agents shall have found an opportunity to send them away. If, however, this opportunity should not present itself in the space of four months, counting from the day of their arrest, the deserters shall be set at liberty, and cannot again be arrested for the same cause.

## ARTICLE 14.

French vessels arriving in or sailing out of the ports of Texas, and Texian vessels on their entry in or leaving the ports of France, shall not be subject to other or higher duties of tonnage, of light money, port charges, pilotage, quarantine, or any other affecting the body of the vessel than those which are paid, or shall be paid by the vessels of the country itself.

## ARTICLE 15.

The products of the soil, and of the industry of either of the two countries, imported directly into the ports of the other, the origin of which shall be duly ascertained, shall pay the same duties whether imported in French or Texian vessels. In like manner, the products exported will pay the same duties, and will enjoy the same privileges, allocations and drawbacks, which are or shall be allowed on the exportation of the same articles in the vessels of the country from which they are exported.

## ARTICLE 16.

The cottons of Texas, without distinction of quality, will pay on their entry into the ports of France, when they shall be imported directly in French or Texian vessels, a uniform duty of twenty francs on one hundred kilogrammes.

All reduction of duties which may hereafter be made in favor of the cottons of the United States, shall be equally applied to those of Texas, gratuitously, should the concession be gratuitous, or with the same compensation, if the concession is conditional.



## ARTICLE 17.

From the day of the exchange of the ratifications of the present treaty, the duties at present levied in Texas on all fabricks and other articles of silk, or of which silk shall be a chief component part, imported directly into Texas, the manufacture of France, in French or Texian vessels, shall be reduced one half. It is clearly understood, that if the Texian government reduce the duties upon similar products of other nations, to a rate inferior to one half of the duties now existing, France cannot be obliged, in any case, to pay higher duties than those paid by the most favored nation. The duties at present levied in Texas on the Wines and Brandies of France, also imported directly in French or Texian vessels, shall be reduced, the first two-fifths, and the second one fifth.

It is understood, that in case the Republic of Texas should hereafter think proper to diminish the present duties on Wines and Brandies, the production of other countries, a corresponding reduction shall be made on the Wines and Brandies of France, gratuitously, if the concession is gratuitous, or with the same compensation, if the concession is conditional.

## ARTICLE 18.

The inhabitants of the French colonies, their property and ships, shall enjoy in Texas, and reciprocally the citizens of Texas, their property and ships shall enjoy in the French colonies, all the advantages which are or shall be granted to the most favored nation.

## ARTICLE 19.

The stipulations of the present treaty shall be perpetual, with the exception of the articles, the fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth, the duration of which is fixed to eight years, counting from the day of the exchange of the ratifications.

## ARTICLE 20.

The present treaty shall be ratified by the contracting parties, and the ratifications shall be exchanged at Paris or Austin, within the period of eight months, or sooner if possible.

In witness whereof, the respective Plenipotentiaries, have signed the present treaty, and have affixed thereto their seals.

Done at Paris, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and thirty-nine.

[SEAL.]

Signed,

J. PINCKNEY HENDERSON,

[SEAL.]

Signed,

MAL. DUC DE DALMATIE.

## ADDITIONAL ARTICLES.

### ARTICLE 1.

As the laws of France require, as conditions of the nationality of a vessel,—that it should have been built in France,—that the owner, the captain, and three-fourths of the crew, shall be citizens of France: and Texas, by reason of the particular circumstances in which she is placed, being unable to comply with the same conditions, the two contracting parties have agreed to consider as Texian vessels, those which shall be bona fide the exclusive and real property of a citizen or citizens of Texas, residents of the country for at least two years, and of which the captain and two-thirds of the crew, shall also be bona fide citizens of Texas.

### ARTICLE 2.

It is understood, that if the Republic of Texas thinks proper, hereafter, to diminish the duties now in force on silk goods, they will maintain between the silk goods the produce of countries beyond the Cape of Good Hope, and similar goods of other countries, a difference of ten per cent. in favor of the latter.

### ARTICLE 3.

The present additional articles shall have the same force for eight years, as if they had been word for word inserted in the Treaty of this day.

They shall be equally ratified by the contracting parties, and the ratifications exchanged at the same time as those of the Treaty.

Done at Paris, the twenty-fifth day of September, in the year of our Lord, one thousand eight hundred and thirty-nine.

[SEAL.]	Signed,	J. PINCKNEY HENDERSON,
[SEAL.]	Signed,	MAL. DUC DE DALMATIE.

And whereas, the said Treaty and Additional Articles have been ratified on both parts, and the respective ratifications of the same were exchanged at Austin, on the fourteenth day of February, one thousand eight hundred and forty, by Abner S. Lipscomb, Secretary of State of the Republic of Texas, and Monsieur Dubios de Saligny, Chargé d' Affaires of his Majesty the King of the French, Knight of his Royal Order of the Legion of Honor, &c., &c., on the part of the respective governments.

Now, therefore, be it known, that I, Mirabeau B. Lamr, President of the Republic of Texas, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the Republic of Texas, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the Republic of Texas, to be affixed.

Done at the City of Austin, this fifteenth day of February, in the year of our Lord, one thousand eight hundred and forty, and of the Independence of the Republic the fourth.

MIRABEAU B. LAMAR.

By the President,  
ABNER S. LIPSCOMB, Secretary of State.

By the President of the Republic of Texas.

### A PROCLAMATION.

Whereas, by the eleventh section of an act entitled "An Act altering the several acts to raise a Revenue by Impost Duties," approved the 5th February instant, the President is authorized to issue such instructions as may be necessary to carry into effect such present and future agreements with the government of France, by the regulation of the duties on goods, wares and merchandise, imported from that country:

Therefore, be it known, that I, Mirabeau B. Lamar, President of the Republic of Texas, for the purpose of carrying the above objects into effect, by virtue of the power vested in me by law, do, in the name and by the authority of said Republic, by these presents, hereby declare and proclaim, that the duties on all wines, the product of France, imported direct from any of the Ports of France, in French or Texian vessels, are for the present abolished. And further, I hereby require all Collectors of customs to permit all wines as aforesaid, to be admitted free of duty into any of the Ports of this Republic, until this Proclamation shall be revoked by the President.

In witness whereof, I have hereunto set my hand, and caused the seal of the Republic of Texas to be affixed.

Done at the City of Austin, this 11th day of February, in the year of our Lord one thousand eight hundred and forty, and of the Independence of the Republic, the fourth.

[L. s.]

MIRABEAU B. LAMAR.

By the President,  
ABNER S. LIPSCOMB, Secretary of State.

## ERRATA.

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- Page 20, 2nd line from top, for "thereof" read "therefor."  
" 20, 7th line 2nd section for "where the husband" read  
"where her husband."  
" 20, 5th line 3rd section, for "being" read "living."  
" 41, 16th line from bottom, for "bound" read "loaned."  
" 43, 17th line from bottom for "ratio" read "valid."  
" 45, 8th line from bottom, after "thence" read "in a."  
" 57, last line section 1st, for "cases" read "causes."  
" 69, 2nd line from top, for "county" read "country."  
" 72, 8th line from top, after "persons" read "owning."  
" 84, 9th line section 8th, for "entered" read "returned."  
" 84, 11th line same section, for "damage" read "demand."  
" 91, 3rd line 4th section, for "McRed" read "McRea."  
" 93, 13th line from top, for "January" read "February."  
" 100, 1st line top, after "application" read "by petition."  
" 102, 10th line from bottom, for "25th" read "5th."  
" 138, 5th line from top, for "forming," read "framing."  
" 146, 4th line 3d section, for "Morthans," read "Wortham."  
" 162, 11th line from bottom, read "the General Post Office."  
" 164, second line from top, for "when" read "where."  
" 164, 12th line from top, for "where," read "when."  
" 168, 7th line 18th section, for "any," read "an."  
" 169, bottom line, for "supreme," read "superior."  
" 186, Section 5th, 2nd line, after "convicted" read "of."

## REPUBLIC OF TEXAS.

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I, the undersigned, Secretary of State of the Republic of Texas, do certify, that the regular Session of the Fifth Congress of said Republic, adjourned on the fifth day of February, eighteen hundred and forty-one.

Given under my hand and seal of office, at the City of Austin, the eighteenth day of February, A. D. one thousand eight hundred and forty-one.

J. S. MAYFIELD.

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