

L A W S

PASSED BY

THE SIXTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

AUSTIN:
1842

L A W S

OF THE

REPUBLIC OF TEXAS.

JOINT RESOLUTION

For the Election of Public Printer.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, on the fifteenth day of November inst., the two Houses of Congress will proceed to the election of a Public Printer, who shall, under the direction of the Secretary of State, print the laws and journals of the present Congress.

Sec. 2. Be it further resolved, That any owner or conductor of a public press, who may desire to obtain the contract for the same, shall submit his proposition, in writing, stating where the said laws and journals shall be printed, at least two days before the time appointed for said election, mentioned in the first resolution, and stating the cost of printing one hundred copies of one hundred pages each, and of a larger or smaller number of copies and pages; and that they be required to state, in their proposals, at the time at which the printing of the laws and journals shall be completed, and ready for delivery to the Secretary of State.

Approved 15th Nov., 1841.

AN ACT

To change certain Mail Routes therein named.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the present Mail Route from San Augustine to Port Caddo

be so changed, that, hereafter, the said mail shall be carried from San Augustine by Shelbyville, Pulaski, and Elysian Fields, and terminate at the town of Marshall, in the county of Panola.

Sec. 2. Be it further enacted, That hereafter, a mail shall be carried, weekly, from Elysian Fields post-office to Greenwood, in Louisiana; and the Secretary of State is hereby authorized to contract for the carrying of the same, in accordance with the present laws, governing mail contracts.

Sec. 3. Be it further enacted, That the Mail Route from Nacogdoches to Epperson's Ferry shall, hereafter, run from Nacogdoches to Marshall, thence to Smithland, thence to Daingerfield, and from thence direct to the county seat of Bowie county.

Sec. 4. Be it further enacted, That the Mail Route from Epperson's Ferry to Jonesborough shall, hereafter, commence at the county seat of Bowie county; run from thence to Dekalb, thence to Clarksville, and thence to Jonesborough.

Sec. 5. Be it further enacted, That the Mail Route from Myrtle Springs to Fulton, in Arkansas, shall, hereafter, commence at the county seat of Bowie county, and run thence to Col. Charles Moore's and David Lanes', thence to Fulton, in Arkansas.

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

Approved 17th November, 1841.

JOINT RESOLUTION,

For the relief of George W. Smyth.

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 directed, and he is hereby authorized and required to issue to George W. Smyth, a draft on the Treasury for one thousand eight hundred and eighteen dollars and ninety-two cents, in par funds, to be paid out of the first par funds which may be received in the Treasury, not otherwise appropriated; and which draft shall be assignable by endorsement.

Sec. 2. Be it further resolved, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the said George W. Smyth, scrip for two sections of land, of six hundred and forty acres each, as a donation,

in consideration of the faithful manner in which he has performed his duty as commissioner in running the boundary line.

Sec. 3. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved Nov. 23, 1841.

AN ACT

To amend "An act to incorporate the City of Houston, and other Cities therein named."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Mayor and Board of Aldermen of the City of Houston shall have power to levy a tax on all property, both real and personal, in said city, provided that the tax levied on any property shall not, in any one year, exceed one-half of one per cent. ad valorem, on such property; and provided, also, that no tax shall be levied on any property in said city, unless by unanimous vote of the Board of Aldermen thereof.

Sec. 2. Be it further enacted, That all taxes assessed in said city, shall be levied and collected according to the provisions of the act to which this is an amendment, approved Jan. 28th, 1839.

Approved 24th November, 1841.

JOINT RESOLUTION,

Granting further time for the payment of Government Dues, and the return of Field Notes.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the further time of twelve months is given for the payment of government dues, and the return of field-notes to the General Land-Office, on all lands surveyed in pursuance of law; provided, however, that in no case shall a patent to any lands issue, until all the government dues thereon shall have been paid.

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

Approved 27th November, 1841.

AN ACT.

To Legitimate Children born out of Wedlock, in certain cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when any unmarried persons who have heretofore lived together as husband and wife, and who have had a child or children born out of wedlock, shall have intermarried with each other, or shall hereafter intermarry within twelve months from and after the passage of this act, such child or children so born out of wedlock, shall be, and the same are hereby declared to be, legitimate, and entitled to all the rights and privileges of children born in wedlock.

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

Approved 29th November, 1841.

AN ACT

To define the Boundaries of the County of Goliad.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the territory included in the following limits, shall constitute the county of Goliad, to wit:—Beginning at the Coleta Creek, on the line of Refugio county, (as run by W. Richardson, Deputy Surveyor of Refugio county,) and running with said line of Refugio county, to the Aransas river; thence, up said river, with the meanders, to the crossing of the Mier road; thence, northwest, to the line of Bexar county; thence, with said line, to the San Antonio river, at the mouth of the Cibolo Creek; thence, north fifteen degrees east, to the Gonzales county line; thence, with said line, to the Coleta Creek, near the south-east corner of Gonzales county; thence, down said creek, with its meanders, to the place of beginning.

Sec. 2. Be it further enacted, That all laws, and parts of laws, contrary to this act, be, and the same are hereby, repealed.

Approved 2d December, 1841.

AN ACT

Making farther Appropriation for the Post-Office Department.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of forty thousand four hundred and seventy dollars be, and the same is hereby appropriated for the use of the Post-Office Department; provided, that a greater amount than ten dollars per mile, per annum, shall not be paid to Messrs. Highsmith and Jones, on Route No. 30, from Austin to Houston, for one thousand eight hundred and forty one, until otherwise provided by law.

Sec. 2. Be it further enacted, That the Secretary of the Treasury be directed to issue said amount of Texas promissory notes, to meet this appropriation.

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

Approved 7th December, 1841.

AN ACT

Better to define the Boundaries of Burnet County, 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 boundary of the county of Burnet be, and is hereby, established within the following boundaries, to wit:—Beginning at a place known by the name of Houston's Mound, north of Mutchison's Prairie; thence, westwardly, to the Iron-eye Village, on the Elk-heart creek; thence, to the Trinity river; and from Houston's Mound (the place of beginning) to the Neches river, so as to make a straight line from the Trinity river to the Neches river; thence, up the main west fork of the Neches river, to Clarence A. Lovejoy's survey, number one hundred and seventy-seven, on the west boundary line of the Cherokee lands; thence, due north, to the Sabine river; thence, up the Sabine, to the fork; thence, up the north fork, to E. W. Shultz's survey; continuing up the same, to the Fannin county line; thence, west, with said line, to the Trinity river; thence, down said Trinity river, to the above-named line, running direct from the Neches to the Trinity.

Sec. 2. Be it further enacted, That Fort Houston is hereby permanently established the Seat of Justice for said county.

Sec. 3. Be it further enacted, That the county of Burnet shall be entitled to, and authorized to raise a company of volunteers for the protection of the frontier of said county, upon the same principles, and under the same restrictions, that other frontier counties are provided for by law.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved 6th December, 1841.

AN ACT

Giving the name of Trinity to the Northern Division of Liberty County.

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 portion of territory included within the limits of the northern division of Liberty county, shall be known and styled "The County of Trinity," and shall be entitled to all the privileges of other counties in this Republic, except that of separate representation in the national Congress of the Republic, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That it is hereby made the duty of the Chief Justice of said northern division, to order an election for Sheriff and Coroner for said county of Trinity, within three months after the passage of this act: provided, however, that nothing herein contained shall affect the rights of any duly commissioned officer now in said division.

Approved 7th December, 1841.

JOINT RESOLUTION,

Relative to Public Printing.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sam. Whiting, Esq., be, and he is hereby declared Public Printer; and shall print the laws and journals of the sixth Congress; and shall receive a compensation therefor, at the following

rates:—forty-five cents for each copy of one hundred pages, or forty-five dollars for every one hundred copies of one hundred pages each, and in that proportion, including folding and stitching.

Sec. 2. Be it further resolved, That the Secretary of State furnish said Sam. Whiting, immediately, with copies of all laws and joint resolutions contemplated to be published, as the same may be filed in the Department of State.

Sec. 3. Be it further resolved, That the Secretary of State is hereby required, forthwith, to enter into, and require bond and security from the said Sam. Whiting, for a compliance on his part, of the terms of this joint resolution; and that the terms upon which said printing is to be done, be particularly and specifically set forth in said bond.

Sec. 4. Be it further resolved, That this resolution take effect from and after its passage.

Approved 7th December, 1841.

AN ACT

To amend "An Act" entitled "An Act to prescribe the method of proceeding to obtain the benefit of the Writ of Habeas Corpus," Approved January fourteenth, 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 Chief Justice of the County Court, in addition to the officers named in the above-recited act, shall be, and he is authorized to issue the writ of habeas corpus, upon the terms and conditions of said act, provided he shall not hear the same upon the return of the writ, without having associated with him one of the associate justices of the county court, or any justice of the peace of his county, who shall be required, either verbally or in writing, to sit with him in such case; and said chief justice, and associate justice, or justice of the peace, shall determine the same, and award such judgment as said recited act permits: the proceedings of said chief justice, and his associate, shall be subscribed by them, and filed in the office of the District Clerk of the proper county, and shall have the same effect as if the proceeding had been had before a district judge.

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

Approved 7th December, 1841.

JOINT RESOLUTION

For the relief of the Citizens of Jasper County.

Whereas, the citizens of Jasper county have been prevented from obtaining their patents to lands, in consequence of frauds having been committed by designing persons, in using the seal of that county, by impressing it upon an incorrect abstract of certificates, purporting to be the same as recommended by the Commissioners appointed to "detect fraudulent land certificates" as genuine and legal claims against the Government, and being detected in the General Land-Office; and

Whereas, a true copy of the original abstract having been deposited in the same, that only requires the formality and sanction of law,—therefore,

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the copy of the original abstract of land certificates, now in the General Land-Office, and certified to by the Chief Justice and Sheriff of Jasper county, to be a true copy of the original abstract of land certificates, recommended as genuine and legal claims against the Government, by the Commissioners appointed to detect fraudulent land certificates, be, and the same is hereby, ratified and validated the same as the original could be; and the Commissioner of the General Land-Office is hereby required to issue patents upon the said claims, so certified and returned, in the same manner as though the return had been made by the proper commissioners.

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

Approved 7th December, 1841.

AN ACT

Giving the Election of Chief Justices of County Courts to the People.

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 election of Chief Justices of County Courts, in all cases of vacancy in said office, shall hereafter be by the legal voters for members of Congress in the county where such vacancy may occur: provided, that any

Chief Justice now in office, shall continue to hold and exercise the duties thereof, until the term of such office shall expire, according to the law in force when such Chief Justice was elected.

Sec. 2. Be it further enacted, That when the office of Chief Justice, in any county of this Republic, shall become vacant by expiration of the term of such office, the election for the same shall be held at the time, and according to the laws regulating the mode of electing sheriffs and other county officers; and whenever such office shall become vacant from death, resignation, or otherwise, it shall be, and is hereby made the duty of the associate justices of such county, when such vacancy exists, immediately on such vacancy taking place, to issue a writ of election to fill such vacancy, on giving ten days' previous notice of such election by publication, in any public journal published in such county; or if none such is published, they shall give notice thereof by written notices posted upon the court-house door, and at three other public places in the county, of the time and place of such election, the same to be conducted according to the general rules regulating the elections of county officers.

Sec. 3. Be it further enacted, That it shall be the duty of the Secretary of State forthwith to order elections to fill all such vacancies as may now exist in the several counties of this Republic, who shall be commissioned, as provided by this act; and that all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed; and that this act be in force from and after its passage.

Approved 7th December, 1841.

JOINT RESOLUTION

To legalize the Elections in the County of Ward, 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 elections held in the county of Ward, on the twenty-fourth day of February, one thousand eight hundred and forty-one, for county officers of said county, be, and the same are hereby declared to be legal; and all the official acts of the officers elected, at said election, are hereby declared to be as valid as if no doubt had ever existed as to the legality of the same.

Sec. 2. Be it further resolved, That the unfinished business

now remaining in the district and probate courts of the counties of Colorado, and Matagorda, which properly pertains to the county of Ward, be, and the same is hereby ordered to be transferred by the clerks of said courts, to the clerk of the district and probate courts for said county of Ward; and the same shall be finished and closed by said courts, in said county, as though it had been originally instituted therein.

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

Approved 10th December, 1841.

AN ACT

To abolish certain Offices therein named, and to fix the Salaries of the Officers of the Civil List, and certain others therein named, 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 from and after the passage of this act, the following offices be, and the same are hereby abolished, viz:—The offices of Commissioner of Revenue, Stock Bureau, Translator of the General Land-Office, Commissary of Subsistence, and Quarter-Master of the Regular Army, and Pay-Master-General.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury to perform all the duties heretofore performed by the Commissioner of Revenue; and it shall be the duty of the present Commissioner of Revenue to deliver to the Secretary of the Treasury, all the books, documents and papers, belonging to his office.

Sec. 3. Be it further enacted, That it shall be the duty of the Comptroller to perform all the duties heretofore performed by the Clerk of the Stock Office; and that it shall be the duty of the Secretary of the Treasury to deliver to the Comptroller, all the books, documents, and papers, belonging to the Stock Bureau.

Sec. 4. Be it further enacted, That it shall be the duty of the Secretary of War to perform the duties heretofore performed by the Pay-Master-General.

Sec. 5. Be it further enacted, That it shall not be lawful for the President, or Secretary of War, to retain in service, or hereafter, to call into service, the Quarter-Master-General of Militia, Commissary-General of Subsistence of Militia, or the Adjutant and Inspector-General of the Militia; or any Quarter-Master,

Commissary, or Adjutant, of the Militia, except in case of invasion, by a foreign enemy, of such character as to require the service of a battalion of militia in the field; and, in that case, the said officers shall be discharged from service, within one month after the disbandment of the militia.

Sec. 6. Be it further enacted, That the Secretary of State shall be authorized to appoint one Chief Clerk, and one Assistant Clerk, for said Department, and one Chief Clerk for the Post-Office Bureau, and no more. The Secretary of the Treasury shall be authorized to appoint one Chief Clerk and two Assistant Clerks for the Treasury Department, and no more. The Secretary of the War and Navy Department shall be authorized to appoint one Chief Clerk and two Assistant Clerks for said Department, and no more. The Commissioner of the General Land Office shall be authorized to appoint one Chief Clerk and four Assistant Clerks, and one Draftsman, for the General Land-Office, and no more—except such extra clerks as he may be authorized to employ for a limited period of time, by special enactment of Congress. The Comptroller shall be authorized to appoint one Chief Clerk and one Assistant Clerk for the Comptroller's Office, and no more. And the Auditor shall be authorized to appoint one Chief Clerk and one Assistant Clerk, and no more.

Sec. 7. Be it further enacted, That the Treasurer shall hereafter perform the duties of his office without any assistance.

Sec. 8. Be it further enacted, That there shall be appointed or retained in the service, one Captain of Ordnance, who shall be the Superintendent of the Arsenal, and whose duty it shall be to take charge of and preserve all public arms and munitions of war which are now in said arsenal; and to collect, as far as may be; all other public arms and munitions of war which are now dispersed over the various parts of the country; and to cause the same to be preserved. The said Superintendent shall be authorized to appoint four laborers to assist the Armorer in cleaning, repairing, and keeping in order, the public arms—the laborers to be appointed to be approved by the Secretary of War, and to receive stated monthly wages in full compensation for their services.

Sec. 9. Be it further enacted, That the following salaries per annum, shall be allowed to the officers hereinafter named, until altered by law, payable quarterly—except clerks, who shall receive their pay monthly, in par funds, in full compensation for all services to be by them performed in their respective offices, viz:—The President of the Republic, with a house, five thousand dollars; President's Private Secretary, six hundred dollars; Vice-President of the Republic, one thousand dollars; Secretary of

State, fifteen hundred dollars; Secretary of the Treasury, fifteen hundred dollars; Secretary of War and Navy, fifteen hundred dollars; Attorney-General, one thousand dollars; Commissioner of the General Land-Office, twelve hundred dollars; Treasurer, one thousand dollars; Comptroller, one thousand dollars; Auditor, one thousand dollars; Captain of Ordnance and Superintendent of Arsenal, six hundred dollars; Draftsman of the General Land-Office, seven hundred dollars; Chief Clerks of the various Departments and Bureaux, each, six hundred dollars; Assistant Clerks of the various Departments and Bureaux, each, five hundred and fifty dollars; Armorer, forty dollars per month; laborers in the Armory, each, twenty-five dollars per month; Chief Justice of the Supreme Court, one thousand seven hundred and fifty dollars; Judges of the District Courts, each, one thousand seven hundred and fifty dollars; members of Congress, three dollars per diem for their services, and three dollars for every twenty-five miles' travel, in going to and returning from the Seat of Government; the President of the Senate, pro tempore, while acting, and the Speaker of the House of Representatives, each, three dollars per diem: the Chief Clerk of the House of Representatives shall be allowed a salary during the recess of Congress, the same as Chief Clerks of Departments and Bureaux, and he shall receive the sum of four dollars per diem, during the time that Congress may be in session; Secretary of the Senate, and Assistant Secretary of the Senate, shall be allowed a salary of four dollars per diem, during the time that Congress may be in session; assistant, and other clerks, of the two Houses, each, four dollars per diem; other officers of the two Houses, each, three dollars per diem.

Approved 11th December, 1841.

AN ACT

To repeal an Act to Incorporate the Town of Shelbyville, and granting further powers to the Corporations of San Augustine and Nacogdoches.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the above-mentioned act, approved November second, one thousand eight hundred and thirty-seven, as relates to the town of Shelbyville be, and the same is hereby repealed.

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

Approved 10th December, 1841.

AN ACT

Confirming the Title to the Town Tract of the Town of Victoria to the Corporation of said Town.

Whereas, a concession of four leagues of land was made by the Most Excellent Deputation of Texas, on the thirteenth day of April, one thousand eight hundred and twenty-four, to a certain citizen, Martin De Leon, for the foundation of a town on the margin of the river Guadalupe, under which authority, and the Colonization Law of the twenty-fourth of March, one thousand eight hundred and twenty-five, the said Martin De Leon founded the town of Guadalupe De Victoria, now known as the town of Victoria, in the county of Victoria; and

Whereas, the said four leagues of land have been surveyed, under an order legally emanating from Fernando De Leon, late Commissioner of De Leon's Colony—therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the title to the four leagues of land hertofore conceded by the State of Coahuila and Texas to citizen Martin De Leon, for the foundation of the town of Guadalupe De Victoria, is hereby ratified and confirmed; and the said four leagues of land, or the part and parts thereof remaining unsold, are hereby acknowledged, and declared to be the property of the present Corporation of the town of Victoria, and their successors in office, in trust, forever, for the use and benefit of the citizens of said town.

Sec. 2. Be it further enacted, That all sales of town and outlots situated within the limits of the Victoria town tract, heretofore legally made, are hereby ratified and confirmed, and acknowledged, and declared to be as good and valid in law, as if the original grant made to De Leon, by the State of Coahuila and Texas, had been perfected and completed on the day of the date of the foundation of the town of Guadalupe De Victoria.

Sec. 3. Be it further enacted, That the Corporation of the town of Victoria is hereby empowered and allowed to do and perform every act or acts, thing, or things, authorized by and under their present law of corporation.

Sec. 4. Be it further enacted, That the Commissioner of the

General Land-Office is hereby authorized and required to recognize, as good and valid, the copy of the field notes of the town tract of the town of Victoria, as made by James Kerr, Deputy Surveyor of J. M. J. Carabajal, formerly Principal Surveyor of De Leon's Colony; and he is hereby further authorized and required to issue to the Corporation of the town of Victoria, and their successors in office, a patent to the said four leagues of land constituting the town tract of the town of Victoria aforesaid.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Approved 10th December, 1841.

JOINT RESOLUTION

For the relief of the Soldiers composing the late First Regiment of Infantry.

Whereas, the soldiers enlisted under an "Act entitled an Act to provide for the protection of the Northern and Western Frontier," approved twenty-first December, one thousand eight hundred and thirty-eight, were, under the provisions of the tenth section of said act, entitled to a bounty of one hundred and sixty acres of land, to be surveyed to them contiguous to the posts to which they were respectively attached; and

Whereas, by a supplement to the above-recited act, approved the fifth February, one thousand eight hundred and forty, said bounty was augmented to two hundred and forty acres, in the event it could not be had contiguous to the posts; and

Whereas, the provisions of the above-named acts were not carried into effect, the regiment disbanded, and the soldiers discharged prior to the expiration of their term of service; therefore

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to issue certificates for two hundred and forty acres each, to all soldiers who shall produce honorable discharges, signed by the proper officers.

Sec. 2. Be it further resolved, That the soldiers so receiving certificates, are hereby authorized to locate the same upon any unappropriated lands belonging to the Republic, at their own expense, and in conformity to law:—provided, always, said certifi-

cates shall only be granted to the original holder, or soldier, his heirs or legatees.

Approved 10th December, 1841.

AN ACT

To repeal, in part, "An Act to incorporate the City of Richmond, and the Towns of San Felipe de Austin and Lagrange."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of an act entitled an act to incorporate the city of Richmond, and the towns of San Felipe de Austin and Lagrange, as relates to the incorporation of the city of Richmond be, and the same is hereby, repealed; and that the powers of said corporation are hereby revoked; and this act shall take effect from and after its passage.

Approved 10th December, 1841.

JOINT RESOLUTION

Appropriating five thousand dollars for Contingent Expenses of Congress.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five thousand dollars be, and the same is hereby, appropriated for the contingent expenses of both Houses of Congress; and that the Secretary of the Treasury be required to issue so much of the promissory notes of this Government as will fill this appropriation.

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

Approved 11th December, 1841.

AN ACT

To amend an Act entitled "An Act to Incorporate the City of Richmond, and the Towns of San Felipe de Austin and Lagrange."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That "An Act to amend an Act, entitled an Act to incorporate the city of Richmond, and the towns of San Felipe de Austin and Lagrange," approved January twentieth, one thousand eight hundred and forty-one, be so amended that the Board of Aldermen for the town of San Felipe de Austin shall consist of eight freeholders, or householders.

Approved 20th Dec., 1841.

JOINT RESOLUTION

To provide for the dissemination of the Laws and Journals.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the laws and journals shall be printed under the direction of the Secretary of State; and it shall be his duty, so soon as the said laws and journals are printed, to transmit, by mail, a copy of said laws to each of the chief justices, members of Congress, magistrates, clerks, sheriffs, coroners and constables, of the several counties of the Republic; and a copy of the journals to each of the chief justices, district and county clerks, and members of Congress, of the several counties and districts of the Republic.

Approved 20th Dec., 1841.

AN ACT

For the relief of John S. Black, and sundry other citizens of Harris County.

Whereas, by accident, or otherwise, a portion of the Records of the Board of Land Commissioners of the county of Harris have been so mislaid, that the same could not be subjected to the examination of the Commissioners created under and by virtue of an act entitled "An Act to detect Fraudulent Land Certificates, and to provide for issuing Patents to Legal Claimants," passed twenty-ninth January, one thousand eight hundred and forty, in consequence of which the said John S. Black, and others, who had obtained certificates from the said Board of Land Commissioners of Harris county, have been unable to have the same passed upon by the said Board appointed by the act to detect fraudulent land certificates as aforesaid; therefore,

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the tribunal or Board of Land Commissioners of the county of Harris, created by an act entitled "An Act defining the mode by which holders of conditional certificates shall establish the same," approved January fifteenth, one thousand eight hundred and forty-one, shall form and constitute a Board for the said county of Harris, to investigate all claims the records of which were lost or mislaid during the investigation of the Board of Commissioners appointed under an act entitled "An Act to detect Fraudulent Land Certificates, and provide for the issuing of Patents to Legal Claimants," and which claims have never been passed upon by said last mentioned Board.

Sec. 2. Be it further enacted, That any holder of a certificate issued by the former Board of Land Commissioners of Harris county, which has not been examined by the Board of Commissioners appointed under the said "Act to detect Fraudulent Land Certificates," may apply to the tribunal mentioned in the first section of this act, for a ratification of said claim; and any holder so applying, shall be required to prove, before the said Commissioners, that the records of said claim so asked to be ratified, were mislaid at the time the Commissioners, appointed under "An Act to detect Fraudulent Land Certificates," were investigating the records of the Board of Land Commissioners of the said county

of Harris. And the said holder shall be further required to prove the genuineness of said claim against the Government, and that he is justly and lawfully entitled to the quantity of land specified in said claim:—provided, however, that none but oral testimony shall be received by said tribunal in the investigation of said claims.

Sec. 3. Be it further enacted, That, upon the application and proof being made, as provided by this act, by any holder of said orders of surveys, it shall be the duty of the said tribunal before whom said proof is made, to execute to the said holder a certificate, that they have examined said claim, and find the same legal and justly entitled against the Government. And it shall be the duty of said Commissioners to report all claims acted upon by them, under the provisions of this act, to the Commissioner of the General Land-Office, so soon as the same shall have been completed.

Sec. 4. Be it further enacted, That any applicant who shall obtain a recommendation of his claim, as aforesaid, shall pay to the said tribunal five dollars of Texas treasury notes, two dollars and fifty cents of which shall go to the clerk, the balance to be equally divided between the members of the board signing said certificate.

Sec. 5. Be it further enacted, That it shall be the duty of the Commissioner of the General Land-Office to issue patents upon all claims which may be certified as genuine, and justly entitled, in accordance with this act, in the same manner as though the same had been recommended by the said Board of Commissioners appointed under "An Act to detect Fraudulent Land Certificates."

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

Approved 20th Dec., 1841.

AN ACT

To repeal, in part, and amend "an Act regulating the License and Practice of Attorneys," approved twenty-sixth January, 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 the eighth section of the above-recited act, so far as it re-

lates to Chief Justices of the County Courts, and Justices of the Peace, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That no Chief Justice of the County Courts, or Justice of the Peace, who may be admitted as an attorney and counsellor at law, shall appear in any court as attorney in any cause that may have been adjudicated by him; and that this act be in force from and after its passage.

Approved 20th Dec., 1841.

AN ACT

To authorize James T. White, and Nancy White—his Wife, to adopt Amanda Snody, and declare her their Lawful Heir.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That James T. White and Nancy White, his wife, be, and they are hereby authorized and empowered to adopt Amanda Snody, and to declare her their lawful heir.

Sec. 2. Be it further enacted, That Amanda Snody shall hereafter be called and known as Amanda White.

Approved 20th Dec., 1841.

AN ACT

Supplementary to an Act entitled "An Act for the Incorporation of the Town of Liberty," approved seventh June, one thousand eight hundred and thirty-seven.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice of the county of Liberty be, and he is hereby required to hold an election for the purpose of electing seven trustees for the town of Liberty, to fill the vacancy occasioned by the expiration of the term of office of the trustees last in office in said town, according to the provisions of the third section of the act to which this is a supplement.

Sec. 2. Be it further enacted, That hereafter, if, from any cause, the Mayor of said town shall fail or neglect to hold an election according to the third section of said act, then it shall be the duty of the Chief Justice of said county to hold said election, conforming to the provisions of said third section of said act.

Approved 21st Dec., 1841.

JOINT RESOLUTION.

Establishing a certain Mail-Route therein named.

Sec. 1. Be it 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 required to contract for the carrying a Weekly Mail from Port La Vaca, in Victoria county, to the town of Victoria, and have the same carried into effect as early as practicable.

Sec. 2. Be it further resolved, That the Secretary of State be, and he is hereby, authorized to contract forthwith, without advertizing, as usual, for the carrying of the mail on said route; provided he can obtain a contract for the same, at the average rate per mile of all the routes in the Republic, or at a lower rate.

Approved 21st Dec., 1841.

JOINT RESOLUTION,

Fixing a Salary for 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 the Clerk of the Supreme Court shall, hereafter, be entitled to a salary of five hundred dollars, in addition to his fees of office, to be paid out of the Treasury of this Republic as other clerks of the Government are paid; and that amount is hereby appropriated for said purpose.

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

Approved 27th Dec., 1841.

AN ACT

To provide for the erection of a Penitentiary.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a suitable site upon which to erect a Penitentiary shall be determined by a joint vote of the two Houses of Congress.

Sec. 2. Be it further enacted, That so soon as said selection shall have been made, it shall be the duty of the Secretary of the Treasury to have laid off ten acres of ground, embracing said site, and to cause to be built thereon, of substantial materials, a Penitentiary for the Republic of Texas, of sufficient size to contain at least one hundred separate cells, and other necessary apartments for the residence of the keeper, and other purposes connected with the same, in a plan to be approved by the President; and to enclose said building in a securely walled yard of sufficient dimensions to allow room for the erection of workshops, and the employment of the convicts who may be there confined, at any kind of labor which may be deemed most profitable and useful to the Republic.

Sec. 3. Be it further enacted, That there shall be an agent appointed by the President, to superintend the erection of said building, who shall follow, from time to time, such instructions as may be given him by the President; and that he submit his accounts for the expenses incurred about the same, at the end of every quarter, to the Treasury Department, to be passed upon and settled as the accounts of other public officers are settled; and said agent shall receive a salary of fifty dollars per month for the services required of him by this act.

Sec. 4. Be it further enacted, That it shall be the duty of said agent to cause to be built, as soon as may be, of logs or other sufficient material, a house, or houses, in which to secure, at night, and other times when not employed at work, all convicts which may be sentenced to said Penitentiary before the same is ready for their reception.

Sec. 5. Be it further enacted, That there shall be appointed by the President, by and with the advice and consent of the Senate, a suitable person as the keeper of said Penitentiary, who shall be entitled to an annual salary of eight hundred dollars, to be paid as the salary of other public officers are paid, out of any money in the Treasury not otherwise appropriated; which salary shall not commence until the services of said keeper are abso-

lutely required to take charge of convicts sent to said Penitentiary.

Sec. 6. Be it further enacted, That it shall be the duty of said keeper to take charge of all convicts which may be sentenced to said Penitentiary; and to keep them employed at proper hours for labor, at such work as may be most beneficial to the Republic, and suitable to their condition; and until said Penitentiary shall be erected and ready for the reception of each convict, it shall be the duty of said keeper to employ all the male convicts, during working hours, in chain gangs, in getting out and preparing materials for said building, and in such other work about the same as the agent may direct; and to secure said convicts at night, and at such other times as they may not be at work in the temporary buildings herein ordered to be erected.

Sec. 7. Be it further enacted, That said keeper shall be at liberty to employ, under the direction of the President, all necessary assistants, overseers, and guard to watch over said convicts while at work, and to keep them secure in their confinement: provided, that such assistants and overseers shall not be entitled to a greater compensation than twenty-five dollars each, per month, for their services; and that the persons employed as guard shall not be entitled to more than fifteen dollars each, per month, for their services; and provided, also, that there shall not be employed, at any one time, a greater number of assistants, overseers, and guard, than are absolutely necessary for the management and security of said convicts.

Sec. 8. Be it further enacted, That all female convicts sentenced to said Penitentiary shall be employed, at working hours, in cooking, washing, sewing, and such other domestic duties about the said Penitentiary as may be necessary in preparing food and clothing for the convicts and laborers about the same: at all times, they shall be kept separate and distinct from the male convicts.

Sec. 9. Be it further enacted, That the daily allowance for said convicts, in food, shall be sixteen ounces of beef, or twelve ounces of pork, or eight ounces of smoked bacon; one gill of molasses, sixteen ounces of corn bread, eight ounces of potatoes, or half pint of beans or peas, for each convict; and a half pint of vinegar, and half pint of salt for each twelve convicts; and in that proportion for a similar number: provided, that when fresh meats are issued to said convicts, a sufficient quantity of salt shall be furnished to salt the same, in addition to the quantity allowed above; but if said convicts shall be sick, the said food shall be changed in accordance with the direction of the attending

physician of said Penitentiary; and it shall be the duty of the keeper of said Penitentiary to issue proposals for supplying said convicts with the food hereby allowed; and to make contracts for the same, with the lowest bidder for such contracts, and requiring bond and security for their faithful performance, to see that the same are complied with: and it shall also be his duty to certify and approve the accounts of said contractors, monthly, for the supplies which may be furnished, which accounts shall be settled at the Treasury Department, as other public accounts are settled.

Sec. 10. Be it further enacted, That it shall be the duty of said keeper to contract with some resident physician of the county or neighborhood where said Penitentiary is located, to attend said convicts when sick, at a fixed and established rate for each visit to said Penitentiary, to be settled at the Treasury Department as other accounts are settled.

Sec. 11. Be it further enacted, That the sum of two thousand dollars be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, for carrying into effect all the provisions of this act; but that no part of said money shall be drawn from the Treasury, except upon the warrant of the Auditor, issued upon the settlement of accounts as provided for by law; or upon the requisition of said agent, countersigned by the President, and audited as aforesaid; and no part of said appropriation shall be applied to the erection of the permanent buildings of said Penitentiary, until the heavy materials for the same have been gotten out and prepared by the convicts therein.

Passed January 4th, 1842.

AN ACT

To repeal an Act entitled "An Act prohibiting Forced Sale of Slaves."

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That "An Act prohibiting forced sale of Slaves under Execution," approved January 27th, 1841, be, and the same is hereby repealed.

Approved 30th Dec., 1841.

AN ACT

Making it the duty of the Commissioner of the General Land-Office to issue Patents in particular cases.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all parts of laws requiring the payment of taxes upon surveys before patents can issue thereon be, and the same are hereby repealed; and hereafter it shall be the duty of the Commissioner of the General Land-Office to issue patents in all cases where the claimant is otherwise legally entitled to such patents, although the taxes upon the surveys shall not have been paid: provided, that the land shall be held liable for all taxes that may be due on said land at the time of issuing patent for the same.

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

Passed January 7th, 1842.

AN ACT

To incorporate the Brazos Canal 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 incorporated under the name and style of "The Brazos Canal Company," under the rules and regulations hereinafter mentioned; and under this title 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 that they, and their successors, may have a common seal, and may change and alter the same at pleasure; and, also, that they and their successors, by the same name and style, shall be, in law, capable of holding, purchasing, and conveying, any estate, real, personal, or mixed, that may be necessary for the use of said corporation, in carrying on and completing said work, and doing and performing all things which are necessary and common for companies of a

similar nature to do, not contrary to the provisions of this charter, as hereinafter enacted, or to the Constitution of this Republic.

Sec. 2. Be it further enacted, That the said company shall have the right to effect a communication, by water, between the Brazos river and the harbor of San Luis; and shall also have the right to make such improvements in the different bays, bayous, creeks, &c., lying between the Brazos river and the harbor of San Luis, as may be deemed expedient by them or their agents; and may charge such tolls for passing through said communication and improvements as the Board of Directors may, on the completion of the work, deem just and reasonable.

Sec. 3. Be it further enacted, That the said company may establish on their different routes and improvements, and make use of all kinds of boats, vehicles, wagons, or carriages, of any nature whatsoever, for the purpose of transportation.

Sec. 4. Be it further enacted, That the capital stock of said company shall be one hundred thousand dollars, and be divided into one thousand shares of one hundred dollars each.

Sec. 5. 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 twenty shares of the capital stock of the said company; and three of said directors shall form a quorum to do and perform all the business necessary to the successful operations of said improvements—that the majority of the said directors shall appoint a President from one of their members, and fill such vacancies as may, from time to time, take place from death, resignation, or otherwise: that all elections for directors shall be held annually, at the city of San Luis, on the first Monday of June of each year; and in case of failure to elect on the day fixed by this act, the corporation shall not be dissolved for that cause, but the President and Directors, for the time being, shall continue in office until there shall be an election, and that the stock-holders shall have one vote for each share that they own, and may vote by attorney.

Sec. 6. Be it further enacted, That until the first Monday in June next, James F. Perry, William T. Austin, Matthew Hopkins, Fernando Pinckard, and George L. Hammekin, are hereby declared to be directors of this company, and may appoint one or more of their members to open books for the subscription of the capital stock of said company—which subscriptions may be paid in cash, labor, provisions, clothing, or such articles as the Board of Directors may deem of interest to the company.

Sec. 7. Be it further enacted, That the President and Directors of the said company shall prescribe the form of certifi-

cates of shares of stock, and the manner of transferring such certificates; but the transfer shall be made in a book to be kept for the purpose by said company, at their place of doing business; which transfer shall be made in the presence of, and attested by, either the President or Secretary of said company; and a transfer may be made by such share-holders in person, or by his, her, or their agent, the power of attorney to such agent to be duly proved and certified, and lodged with the President or Secretary of said company: provided, that no transfer shall be allowed to be made on the transfer-book, except it be done at least fifteen days previous, or five days after the day of election for directors, as appointed in section fifth of this act.

Sec. 8. Be it further enacted, That the President and Directors of this company shall have full power to borrow money upon the faith of this charter, to accomplish the object of the present act; and may hypothecate the stock, or other property, real or personal, and issue certificates for the payment of the same; and also to do and perform, as directors of said company, every thing necessary and proper to carry it into complete operation.

Sec. 9. Be it further enacted, That the President and Directors of this company shall have the right to survey, lay out, and make their improvements, through any improved or unimproved lands, on the most eligible route; and should the said company, or their agents, not be able to make arrangements with the owner or owners of the said land through which it may be necessary to run said improvements, or should said owner or owners not be capable of contracting, or be absent or unknown, the company may petition the Chief Justice of the county in which said land is situated, giving a description of the lands which they may deem necessary and indispensable for their operations, with the names of the proprietors, if they can be ascertained; and the said Chief Justice shall then summon a jury of six freeholders, not interested in the company, who shall make a report of the value of the land so required; and upon the payment thereof by the company, either to the owner, or to the treasurer of the county, a good and bona fide title shall be granted by the Chief Justice, a copy of which shall be recorded in the Recorder's Office of the county where the land is situated: provided, that the land so required, shall not exceed one hundred yards in width—provided said canal shall, in no case, run through any man's house, yard, or barn lot, without his consent.

Sec. 10. Be it further enacted, That if any person whatsoever shall wilfully, by any means whatever, injure, molest, or de-

stroy, any part of the improvements made by said company under this act, or any of their works, buildings, fixtures, or machines, or other property, such person or persons so offending, shall each of them be liable for all damages occasioned thereby; and within any time within twelve months after such offence shall have been committed, and upon conviction, be punished by a fine not exceeding ten thousand dollars, or imprisonment not exceeding twelve months, or both, at the discretion of the court.

Sec. 11. Be it further enacted, That at the expiration of twenty years from the date of this act, Congress shall have the power to purchase, at par, the whole of the capital stock of this company: provided, that if the purchase be not made within twelve months after that period, then this charter shall be considered as renewed for the next succeeding twenty years, at the expiration of which second period, the canal shall belong to the Republic.

Sec. 12. Be it further enacted, That this charter shall not be so construed as to admit of banking privileges, in any form whatever.

Sec. 13. Be it further enacted, That nothing in this act shall be so construed so as to interfere with the free navigation of Bastrop Bayou, or any other creeks, bays and bayous, privileged to be used by the provisions of this bill.

Sec. 14. Be it further enacted, That this act shall be subject to revision and amendment by Congress, so far as to regulate the toll after the expiration of five years.

Approved 3rd January, 1842.

AN ACT

To extend the duties of Associate Justices of the County Courts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter it shall be lawful, and it is hereby made the duty of the Associate Justices of the County Court, in case of a vacancy of the office of Chief Justice of the County Court, or inability of that officer, from any cause whatever, to discharge the duties of his office, to discharge the duties of the said Chief Justice, until such inability shall be removed, or the vacancy filled.

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

Approved 3d January, 1842.

AN ACT

To amend an Act entitled "An Act organizing Justices' Courts, and defining the Powers and Jurisdiction of the same," approved twentieth day of December, one thousand eight hundred and thirty-six.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Justices of the Peace shall hereafter have jurisdiction of all suits instituted for the recovery of specific articles of personal property, when the value of the articles sued for does not exceed one hundred dollars; and in all actions for torts, trespasses, and other injuries sounding in damages, where the amount of damages claimed does not exceed one hundred dollars: provided, that when application shall be made, by either party, to the Justice for a trial by jury, it shall be the duty of such Justice to cause a jury of six freeholders to be summoned, to try such actions and injuries sounding in damages.

Sec. 2. Be it further enacted, That, hereafter, any person residing in any incorporated town or city, may be sued before any justice of the peace within the corporate limits of such town or city, without regard to the distinction of districts; and that constables residing in any incorporated town or city, may act throughout such incorporation.

Sec. 3. Be it further enacted, That appeals from the judgments of justices of the peace shall be taken within ten days next after such judgment shall have been rendered, and not after.

Sec. 4. Be it further enacted, That executions from a justice's court shall be returnable within sixty days from the date of their issue.

Approved 6th January, 1842.

AN ACT

For the Relief of Captain Thomas N. B. Greer and his Company of Boggy and Trinity Rangers, organized by request of His Excellency the President of the Republic, on the 22d day of February, 1840.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor is hereby authorized and instructed to audit the

claims of Captain Thomas N. B. Greer, and his company of Rangers for three months' services rendered, as mounted gunmen, in the year 1840, according to the muster-roll of the said Captain, returned by him to the War Department.

Sec. 2. Be it further enacted, That the Auditor shall issue to the said Captain, and the members of his said company, audited scrip to the amount, and for the payment, of their said claims; which scrip shall be received for taxes and government dues on land already due and owing.

Sec. 3. Be it further enacted, That the officers and soldiers commanded by Colonel John H. Moore, who made an expedition into the Indian territory, in the fall of 1840, be, and they are hereby entitled to all the benefits of this joint resolution; and that the Auditor be, and he is hereby authorized and required to audit their discharges as directed in the case of Captain Greer's company of Rangers.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Passed by a constitutional majority, Jan 19th, 1842.

AN ACT

To repeal the laws authorizing the Five Million Loan 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 all laws and parts of laws authorizing the Five Million Loan be and the same are hereby repealed.

Sec. 2. Be it further enacted, That all powers heretofore delegated to certain Commissioners to negotiate said Loan be and the same are hereby revoked.

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

Approved 12th January, 1842.

JOINT RESOLUTION

Authorizing the Auditor to audit just and legal claims against the Government.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be required to audit all just and legal claims against the Government, properly authenticated; and that said audited paper be receivable for all government dues which have heretofore accrued, except impost duties, until otherwise provided by law.

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

Approved 14th January, 1842.

AN ACT

To incorporate the City of San Antonio.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of San Antonio, in the county of Bexar, be and they are hereby declared a body politic and corporate by the name and title of the City of San Antonio; and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said city.

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

Sec. 3. Be it further enacted, That the qualified voters of said city shall elect members to form a City Council, consisting of one Mayor or President, and eight Aldermen; and shall also elect a Treasurer and Collector, who shall be required to give good and sufficient security, to be approved by said Mayor and Aldermen, for the faithful discharge of their duties and of the trusts reposed in them; the amount of their bonds, if forfeited, to be paid into the City Treasury.

Sec. 4. Be it further enacted, That the election, under this act, shall take place on the last Monday in December of each and every year—public notice thereof being given at least ten days preceding the election, by the Mayor; who, in conjunction with such Aldermen as may be named by the Board, shall direct and preside over such election; and the Mayor and Aldermen, and other officers elected at such elections, shall enter upon the discharge of the duties of their offices on the first day of the month of January, next succeeding the election, and shall continue in office for one year.

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

Sec. 6. Be it further enacted, That the Mayor, as President, with a majority of the Council, shall constitute a quorum for the transaction of business; they shall have power to enact and enforce such ordinances and regulations as they may deem necessary for the good government and general improvement of the city and its precincts; provided, the same shall not conflict with the Constitution and laws of this Republic. They shall also form bye-laws to regulate their own proceedings, and shall have full power and authority to make and enforce all ordinances necessary for the proper police of the city: also for paving and cleaning the streets, regulating the markets, removing nuisances, fixing and arranging the squares and side-ways or walks of the streets of the city; for these, and such other like purposes, they are authorized to levy equitable and moderate taxes, on all fixed and moveable property within their jurisdiction, and recover the amount of the same by the most summary process; the poorest class of citizens, who may be exempt from direct taxation, shall be obliged to contribute by their manual labor towards all works of public utility; the quantity of said labor to be equally apportioned and received in lieu of pecuniary contribution, and vice versa. The Council may inflict moderate fines for infractions or disobedience of its ordinances, and recover the same by summary proceedings; provided, that in all cases, either of unequal taxation, undue demand for labor or excessive fines, the parties aggrieved shall have the right to appeal to the District Court.

Sec. 7. Be it further enacted, That the said Council are also authorized to grant licenses to persons retailing spirituous liquors, to keepers of billiard tables and others; provided, that no gam-

ing establishment, nor any other contrary to law, be sanctioned or covered by such licenses.

Sec. 8. Be it further enacted, That the said Council are hereby empowered and authorized to sell and alienate such public lots, parcels of land, or other real property, as may be within their jurisdiction, and to which there is no legal claimant or title; and also to dispose of such houses or other buildings, or lands, as may formerly have been the property of the corporation of said city; and the Council may sue for and recover all debts, forfeitures, etc., accruing or due to the said corporation; the proceeds of such sales and recoveries to be appropriated, under the direction and management of said Council, to the erection and repair of a court house, jail, and such other public edifices as may be deemed most fit, and to the erection and endowment of a public school, and to the general improvement of the city.

Sec. 9. Be it further enacted, That the Mayor of said corporation shall be ex-officio justice of the peace, and shall exercise the powers thereof throughout the county of Bexar, and shall be entitled to the same fees as other magistrates of the same class.

Sec. 10. Be it further enacted, That if a vacancy should at any time occur in the office of Alderman, the Board of Aldermen shall have power to fill such vacancy; and should the office of Mayor become vacant, the Chief Justice of the county shall be, and he is hereby authorized and required to issue forthwith a writ for a new election, to be holden on a day mentioned in said writ; and should the regular annual elections, in the aforesaid city, not be holden on the day prescribed by law, they may be holden at any time, five days notice thereof being given; and that in case either of a vacancy in the office of Mayor, or the sickness, absence, or inability of the Mayor to discharge his duties, the Board of Aldermen shall have power to appoint one of their own body, who shall perform the duties of said office until a new Mayor be elected, or during such sickness, inability or absence.

Sec. 11. Be it further enacted, That the Council of the city of San Antonio be, and is hereby authorized to appoint and constitute such officers, with the regulation of their compensations, as may be necessary; and the officers, so appointed, may be removed at the pleasure of the Board; and may be required to give bond with security, to the Mayor, in such penalty as may be deemed requisite, and shall perform such duty as may be enjoined upon them, and shall be liable for such fines, for neglect of duty, as may be imposed upon them.

Sec. 12. Be it further enacted, That the Mayor, Aldermen,

and other officers of the city of San Antonio, elected for the present year, shall continue in office, and discharge the duties of their respective offices, as defined by this act, until the first day of January next.

Sec. 13. Be it further enacted, That the Mayor shall have power to call meetings of the Council, whenever the affairs of the city shall require, and at all times shall take care that the laws of the Council are duly executed.

Sec. 14. Be it further enacted, That all previous laws, or parts of laws, regulating or in any manner touching the incorporation of the city of San Antonio, be and the same are hereby repealed, and this act shall take effect from and after its passage.

Approved, January 14th, 1842.

JOINT RESOLUTION

To provide for the publication of the Laws in the Spanish Language.

Sec. 1. Be it 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 required, immediately upon the adjournment of Congress of each year, to cause all laws of a general nature to be translated into the Spanish language, and published in any newspaper of the city of San Antonio; or should there be no newspaper published in San Antonio, the said laws shall be printed in some paper published in the Republic: provided, that at least two hundred and fifty copies of each number of the paper containing the laws be furnished the Secretary of State for circulation; and provided, further, the expense of such translation and publication shall not exceed six hundred dollars per annum.

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

Approved 12th January, 1842.

AN ACT

To organize the southern part of Milam County 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 portion of territory comprehended within the following limits, to wit,—Beginning on the Brazos river, at the north-east corner of a survey of one league of land, in the name of H. E. Davis, known on the map as league No. 6, below Nashville; thence, south sixty degrees west, to the eastern line of Bastrop county; thence, with said line, in a south-eastwardly direction, to the old San Antonio road; thence, along said road, in a north-eastwardly direction, to the third or south branch of the Yegua; thence, down said branch, to its junction with the Yegua; thence, down the Yegua, to the Brazos river; thence, up the Brazos river, with the meanders of the same, to the beginning, be, and the same is hereby, constituted a separate district or territory for judicial and other purposes, and privileges enjoyed by the inhabitants of the several counties of this Republic, except that of a separate representation in Congress; which privilege shall be exercised by them as heretofore, under the previous organization of Milam county.

Sec. 2. Be it further enacted, That the above-described district or territory shall be known and styled by the name of "Burleson," and shall be organized in conformity with law; and the Chief Justice of Milam county shall order an election to be held in said district or territory, on the first Monday in February next, for a Chief Justice, County Surveyor, and all other county officers for said district or territory; and the returns of said election shall be made to the Chief Justice of Milam county, and be, by him, forwarded to the Department of State; and the county courts shall be held on the second Mondays of February, May, August, and November.

Sec. 3. Be it further enacted, That the above district or territory is hereby attached to the third judicial district; and the district courts shall be held in the same at such times as shall be fixed by law.

Sec. 4. Be it further enacted, That the town of "Caldwell," which has been selected for the county seat of a new county, hereafter to be formed in accordance with "An Act to annex a part of Washington county to the county of Milam, and for other

purposes," approved February fourth, eighteen hundred and forty, shall be, as contemplated by the afore-mentioned act, the seat of justice for the above-described district or territory.

Sec. 5. Be it further enacted, That William D. Thompson, Daniel Monroe, Shapley Ross, Winford Bailey, and Major Bryant, are hereby appointed commissioners to select a site for the permanent seat of justice of Milam county; and the point so selected shall be the place for holding the district and inferior courts, and shall be called "San Andres;" and the above-named commissioners shall have the right to purchase not less than fifty nor more than three hundred and twenty acres of land, provided the cost of the same shall not exceed one dollar per acre, or receive, by donation, any amount of land for the use and benefit of said county—to be laid out in suitable lots, and sold by the said commissioners, for the purpose of erecting public buildings, and paying 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 district and inferior courts of Milam county shall continue to be held at Nashville until the commissioners, appointed by this act, shall have notified the Chief Justice of Milam county that the court-house, and other necessary public buildings, are completed; after which time, the succeeding terms of the district and inferior courts, respectively, shall be held at the site selected by said commissioners.

Sec. 7. Be it further enacted, That Capt. Erath be, and he is hereby, appointed to run and mark the dividing line between Milam county and the territory or district herein created, from the beginning point on the Brazos river, as described in this act, to the eastern line of Bastrop county, for which he shall receive one dollar per mile in par funds, one-half to be paid by the county of Milam, and the other by the district of Burleson.

Sec. 8. Be it further enacted, That all business pertaining to the county court of Milam county, which has been transacted at the town of Caldwell, shall be as valid in law, as if it had been done at the legal seat of justice of Milam county; and all laws, and parts of laws, contravening the provisions of this act be, and the same are hereby, repealed.

Passed January 15th, 1842.

JOINT RESOLUTION

Requiring the Secretary of State to suspend the printing of the Laws in the Spanish Language.

Sec. 1. Be it 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 required to suspend the printing of the laws in the Spanish language; and the Treasurer is hereby instructed to pay to the publisher the amount now due for the work actually completed under the present contract.

Approved 17th January, 1841.

AN ACT

To incorporate the Colorado Mining Company, and other Companies for similar purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Thomas Ragsdale, Thomas J. Rabb, Henry English, Jacob Pennington, James C. Ragsdale, William W. Thompson, Jesse Burnham, John H. Burnham, and Peyton Johnson, with such other persons as they shall associate with them for the purposes hereinafter mentioned, and their successors, citizens of Texas, shall be and they are hereby created a body corporate and politic, by the name and style of "The Colorado Mining Company;" and as such, shall be capable, in law, of suing and being sued, in all the courts of this Republic; and of purchasing, holding, selling, leasing, and conveying estates, both real and personal, so far as may be necessary to carry out the objects for which said company is created, and no further; and shall have, exercise, and enjoy all the rights and privileges incident to corporations, and not inconsistent with the laws or Constitution of this Republic: provided, that no company be allowed mining privileges on more than ten leagues of land under the provisions of this bill.

Sec. 2. Be it further enacted, That the said company shall have the right to open and work all gold, silver, or lead mines upon lands which now, or hereafter, may belong to said company, upon condition that they pay into the Treasury of the Republic five per centum of the gross amount of gold or silver which may be, by said company, derived or extracted from said mines.

Sec. 3. Be it further enacted, That the business of said company shall be conducted by a Board of three Directors, a majority of whom shall constitute a quorum to do business—the said directors to be elected bienially, by the members of said company; and it shall be the duty of said directors to elect, from their own body, a President and Treasurer.

Sec. 4. Be it further enacted, That it shall be the duty of the President of said company to report semi-annually, on the first days of January and July of each year, to the President of the Republic, the total amount of gold and silver obtained from each of the mines which may be worked by said company; particularly stating the amount obtained in each week included in the period for which said semi-annual report is made; which report of the President of said Company shall be accompanied by a written affidavit of said President and Treasurer of the company, affirming the correctness of said report: and the President or Treasurer shall, at the time of making said report, pay into the Treasury of the Republic the share, or per centum, to which the Republic is entitled, by the provisions of this act.

Sec. 5. Be it further enacted, That if the said company, by their President and Treasurer, shall fail to make the report prescribed in the previous section, for more than one month after the respective times at which they are to be made, under this act, the President of the Republic shall issue his proclamation, declaring the charter of said company forfeited; and the individuals composing company, or being associated with any other persons in any other company.

Sec. 6. Be it further enacted, That it shall, thereafter, be lawful for any number of individuals, citizens of Texas, who may desire to work gold, silver, or other mines, upon any lands belonging to said individuals, to associate themselves together in companies of not less than three persons; and, upon application to the Secretary of State, in writing, he shall issue to said company a certificate, under seal of his office, setting forth their application in terms of this law, and authorizing them to proceed under the same restrictions, and with the same privileges, as are, by this act, granted to "The Colorado Mining Company;" and

provided, also, that any individual may exercise, on his own land, the privileges granted to companies by this bill.

Sec. 7. Be it further enacted, That no corporation which may be brought into existence by the provisions of this act, shall continue longer than ten years from the date of its passage, unless by virtue of another act of Congress to that effect.

Sec. 8. Be it further enacted, That any person or persons who shall work any gold or silver mines, except upon the terms and conditions prescribed by this act shall be liable to indictment before the District Court of the county in which said mines may be situated, and subject to a fine at the discretion of the Court.

Sec. 9. Be it further enacted, That any company brought into existence by this act, which shall fail to commence working a mine within twelve months from the date of their charter, or, after having commenced, shall discontinue the same, for the space of six months, shall forfeit all rights accruing to them under said charter.

Sec. 10. Be it further enacted, That each company applying to the Secretary of State for a charter, under the provisions of this act, shall, at the time of receiving the same, pay to the said Secretary, for the use of the Republic, the sum of twenty dollars, for which a receipt shall be expressed in said charter.

Approved 17th January, 1842.

AN ACT

To provide for the Ransom and Rescue of Texian Prisoners.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer be, and he is hereby authorized to pay out of the Treasury, a reward for the redemption of Texian prisoners, in the hands of hostile Indians, not exceeding three hundred dollars, par funds, for each prisoner so redeemed.

Sec. 2. Be it further enacted, That whenever any citizen or citizens of Texas, a prisoner or prisoners in the hands of any hostile Indians, shall be rescued from such captivity, by force or stratagem of war, the Treasurer shall be required to pay, under the order of the President, to the persons or company so rescuing, the sum of three hundred dollars for each and every prisoner so rescued, upon proper proof of the facts being made.

Approved 17th January, 1842.

JOINT RESOLUTION

For the relief of Captains Roberts', Jackson's, and Sowell's Companies of Rangers.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby required to audit the claims of captains Mark R. Roberts, Daniel R. Jackson, and Joseph Sowell, and the officers and soldiers under their respective commands, for services rendered in the years eighteen hundred and thirty-nine, eighteen hundred and forty, and eighteen hundred and forty-one, as rangers, in the county of Fannin, so soon as proper discharges are presented, and that said audited drafts be receivable for all government dues heretofore accruing; and the Auditor is hereby authorized and required to issue said drafts to the bona fide holder or assignee of the above-named discharges.

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

Approved 17th January, 1842.

AN ACT

To regulate the descent and distribution of Intestates' Estates, approved twenty-eighth January, 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 seventh and eighth sections of the above entitled act shall be controlled and governed by the provisions of the fourth section of said act; and farther, that should there be either father or mother of the intestate surviving, instead of the estate of the intestate taking the direction indicated in said seventh and eighth sections, the whole shall be inherited and descend upon such surviving parent, or both, in equal moieties, should both survive; and such surviving parent, or parents, shall not be excluded, no matter in what manner the estate may have been acquired by the intestate.

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

Approved 17th January, 1842.

AN ACT

For the redemption of certain Texian Prisoners.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the sum of six hundred and nine dollars, in par funds, be, and the same is hereby appropriated for the purpose of redeeming from the Indians, two small white boys, the son and the nephew of Jesse Cox, who were captured about the thirteenth or fourteenth of July, one thousand eight hundred and forty-one.

Sec. 2. Be it further enacted, That the sum of three hundred dollars, in par funds, be, and the same is hereby appropriated for the redemption of Mrs. Tidwell, who was captured on the Brazos, in one thousand eight hundred and forty.

Sec. 3. Be it further enacted, That the sum of three hundred dollars, par funds, be, and the same is hereby appropriated for the redemption of the son of Mrs. Angeline D. Smith, taken from the neighborhood of the City of Austin by the hostile Indians, in the year one thousand eight hundred and forty; and the further sum of three hundred dollars, par funds, be appropriated for the redemption of the son of Mrs. Lyons, of Fayette county, taken by the Indians in the latter part of the year one thousand eight hundred and thirty-seven.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved 17th January, 1842.

AN ACT

To change the name of Charles Denny Morse to Charles De Morse.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the name of Charles Denny Morse be, and hereby is changed to Charles De Morse.

Approved 17th January, 1842.

AN ACT

For the relief of the Purchasers of Lots in the City of Austin, and Out-Lots upon the Tract adjoining.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any person who has heretofore purchased lots in the city of Austin, or out-lots on the tract adjoining said city, shall have the right to relinquish his or her purchase of any one or more of said lots, and of applying the payments heretofore made on the same to any other city or out-lot or lots appertaining to the city of Austin, the purchase of which may not be relinquished: provided, that this act shall not be so construed as to authorize the payment back to any purchaser, of any portion of the amount which may heretofore have been paid into the Treasury Department; and provided, also, that lots which have heretofore been forfeited by reason of the non-payment of any installment, shall not be embraced in the provisions of this section; and said lots shall be deemed and considered as forever forfeited.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, upon any purchaser of a city or out-lot of the city of Austin, heretofore made at any of the public sales of said lots, producing a written relinquishment of his right to said lot or lots acquired by said purchase, to accept the same and to apply the payments heretofore made by such purchaser on said lot or lots, thus relinquished, to the payment of any other lot or lots held by said purchaser, which have not been relinquished; but said Secretary of the Treasury shall not be authorized to pay back, to any purchaser, any portion of the money heretofore paid into the Treasury Department, upon any lot which may hereafter be relinquished as aforesaid; nor shall he be authorized to apply, to the payment of any lot not relinquished, any portion of the money which has been paid on any lot heretofore forfeited by reason of the non-payment of the installments due thereon: provided, that any person making application, under the provisions of this act, to the Secretary of the Treasury, shall certify, under oath, that the lot or lots relinquished have not been injured by cutting down or removing the timber therefrom.

Sec. 3. Be it further enacted, That the further time of twelve months is hereby allowed to all persons for purchases of Austin city property, out and town lots, to pay for the same;

and that all those who have heretofore failed or neglected to come forward and give their notes for purchases of said out and town lots as provided by law, may now come forward and give them.

Sec. 4. Be it further enacted, That this act shall take effect from and after its passage.

Approved 17th January, 1842.

JOINT RESOLUTION

Authorizing the Commissioner of the General Land-Office to employ three additional Clerks.

Sec. 1. Be it resolved 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 empowered to appoint one assistant draftsman, and three additional clerks, one of which shall be a competent Spanish scholar, whose duty it shall be to record all the old Spanish and Mexican titles in well bound books, to translate any documents when required by the Commissioner, and generally to perform such duties as may be required by the head of that Department; and that he shall give bond with three or more securities, in the sum of ten thousand dollars, for the faithful performance of his duties, and the safe-keeping of all books, papers, documents, and all other matters and things that may be entrusted to his charge; and shall take and subscribe the same oath that other officers are required to take.

Sec. 2. Be it further resolved, That the salary of the Chief Clerk of the General Land-Office shall be seven hundred and fifty dollars per annum; the salary of the two English assistant clerks shall be the same as the other assistant clerks of the General Land-Office; the salary of the Spanish clerk shall be the same as allowed the chief clerk; and the draftsman shall receive the amount as is now allowed by law.

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

Approved 18th January, 1842.

AN ACT

Supplementary to an Act entitled "An Act making it the duty of the Commissioner of the General Land-Office to issue Patents in particular cases," passed January, one thousand eight hundred and forty-two.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act entitled an Act making it the duty of the Commissioner of the General Land-Office to issue Patents in particular cases, shall be so construed as to authorize and make it the duty of the Commissioner of the General Land-Office to deliver all patents, now made out and remaining in his office, in like manner as those which are to issue subsequent to the date of the law to which this is a supplement, any law to the contrary notwithstanding.

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

Passed 18th January, 1842.

AN ACT

Regulating Fees of Office.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be lawful for the Clerk of the Supreme Court, Clerks of the District Courts, Clerks of the County Courts and Courts of Probate, Judges of Probate, Justices of the Peace, Chief Justices of County Courts, Attorneys and Counsellors-at-Law, Notaries Public, Sheriffs, Coroners, Constables, and County Surveyors, respectively, to demand and receive the several fees hereinafter mentioned, for services rendered by them, respectively, in virtue of their several offices, and no more, that is to say:—To the Clerk of the Supreme Court—for entering the appearance of either party, in person or by attorney, fifty cents; for every rule entered on rule docket, fifty cents; for copy of every rule, fifty

cents; for entering every continuance, fifty cents; for administering an oath or affirmation, twenty-five cents; for docketing each cause, (to be charged but once,) fifty cents; for entering every judgment, one dollar; for entering every decree, one dollar and fifty cents; for filing the record upon a writ of error, certiorari or supersedeas, fifty cents; for taxing cost and copy thereof, (in any suit,) fifty cents; for every order in Court, (other than rule,) fifty cents; for a search for any thing above one year's standing, and reading, if required, twenty-five cents; for all copies required, for each hundred words, twenty cents; for every service not herein mentioned, the same fees as are allowed to clerks of District Courts for similar services: and there shall be allowed by the Supreme Court, to their clerk, reasonable office rent, stationery and furniture, to be paid out of the Treasury of the Republic, on the order of the Court. To the Clerks of District Courts—for each writ, fifty cents; for copy of petition, for every hundred words, fifteen cents; for docketing each cause, (to be charged but once,) fifteen cents; for filing each bond, plea, or other paper, in a cause, ten cents; for entering each appearance, ten cents; for entering each motion, rule, or order, twenty-five cents; for entering each nonsuit, discontinuance, nolle prosequi, or other judgment, fifty cents; for order and copy of rule of reference, fifty cents; for entering each continuance of a cause, fifteen cents; for swearing each witness in court, ten cents; for venire facias, in every cause, ten cents; for swearing and empannelling jury, in each cause, ten cents; for receiving and entering verdict, twenty-five cents; for scire facias, (except against jurors, if excused,) one dollar; for each subpoena for one witness, twenty-five cents; for each additional name inserted in such subpoena, ten cents; for entering surrender of principal by his bail, twenty-five cents; for commission to take deposition or interrogatories, fifty cents; for copy of interrogatories if made out by the Clerk, for every hundred words, fifteen cents; for taking a recognizance, fifty cents; for each execution issued, fifty cents; for taxing costs in each cause, and copy of same, twenty-five cents; for making a complete record of any cause after judgment, for every hundred words, fifteen cents; for each bail piece, fifty cents; for each certificate without seal, twenty-five cents; for each certificate with seal of office, fifty cents; for entering the finding of an indictment, twenty-five cents; for arraigning prisoner, and entering pleas, fifty cents; for all copies, other than herein mentioned, for each one hundred words, fifteen cents; for all services not herein provided for, such fees as the District Court shall direct to be taxed in the bill of costs: and there shall be allowed rea-

sonable office rent, stationery, and furniture, to be paid, on the order of the County Court, out of the County Treasury. To Clerks of County and Probate Courts—for recording of every document required by law to be recorded, and for copies of the same, when required, for each hundred words, fifteen cents; for the oath of a witness, or the acknowledgment of the party to the signature of any writing, and making certificate of the same, fifty cents; for letters testamentary of administration or guardianship, fifty cents; for taking bond of executors, administrators or guardians, fifty cents; for the performance of any service not herein provided for, the same fees as are allowed to Clerks of District Courts for similar service. To the Judges of Probate—for taking the probate of any will or testament, one dollar; for granting any order appointing an administrator, executor, or guardian, one dollar; for examining, stating, and reporting each account of executors, administrators, or guardians,—for the first sheet, two dollars; for each additional sheet, fifty cents; for the appointment of appraisers to an estate, one dollar; for the apportionment of an insolvent's estate among creditors, two dollars; for every other order not herein provided for, necessary to be made in the administration or settlement of estates of every description, fifty cents; for any business that the law requires to be done by the Chief Justices, not herein provided for, a reasonable compensation shall be allowed him by the County Court. To Justices of the Peace—for each warrant in civil cases, fifty cents; for each warrant or mittimus in criminal cases, twenty-five cents; for every recognizance, twenty-five cents; for each subpoena for witnesses, twenty-five cents; for every additional name inserted in such subpoena, ten cents; for every execution issued, and taxing costs thereon, fifty cents; for each attachment, including bond and affidavit, seventy-five cents; for each appeal, with the proceedings, bond and certificate, and transcript of record, one dollar; for every oath or affidavit in writing, twenty-five cents; for every other certificate not herein provided for, twenty-five cents; for all writing required by virtue of his office, and not otherwise herein provided for, each one hundred words, fifteen cents. To District Attorneys:—That the fees of district attorneys, shall be, when, in the following cases, a conviction shall be had: For felonies, twenty dollars; for misdemeanors, ten dollars; for gaming and selling ardent spirits without license, twenty-five dollars—which sums shall be taxed in the bill of costs, and paid by the defendants who may be convicted, and shall not be paid by the Government. Each District Attorney shall receive an annual salary of two hundred and fifty dollars. To Notaries Pub-

lic—for protesting any bill or note, and registering and seal, two dollars; for attesting any power of attorney and seal, twenty-five cents; for notarial affidavit and seal, fifty cents; for extending protest in all cases, and for all copies of such extended protest, for each hundred words therein, fifteen cents; for all other notarial acts, with seal, not herein otherwise provided for, fifty cents. To Sheriffs—for levying an attachment on the estate of an absent or absconding debtor, one dollar; for levying execution, one dollar; for returning execution, fifty cents; for making money on execution or attachment—for the first hundred dollars, three per centum; for the second hundred dollars, two per centum; and for each additional hundred dollars, one and a half per centum; for collecting money, other than by execution or attachment, one-half the above per centum; for the service of all original writs, with copy of petition, on each defendant, one dollar; for the service of all other process, fifty cents; for each bond or [re] cognizance, fifty cents; for the assignment of each bail bond, twenty-five cents; for executing deed to purchasers of real estate, two dollars; for executing bill of sale to purchasers of personal property, one dollar; for attending prisoners on habeas corpus before the Judge, per day, two dollars; for each commitment, or release, fifty cents; for executing death warrant, twenty-five dollars; for whipping a person by order of Court, two dollars; for removing prisoner—for every mile going and returning, including guards, and all other expenses, twenty-five cents; for executing venire facias to be taxed, in each cause, fifteen cents; for empannelling a jury, in each cause, fifteen cents; for summoning a special jury, two dollars; for empannelling grand jurors, advertizing and attending elections, serving all public orders of all courts, and for all other public services not otherwise provided for, a sum not exceeding fifty dollars per annum, to be allowed by the District Court, and paid out of the County Treasury: and in all cases where a sheriff shall act in the place of a constable, he shall be entitled to only such fees as are allowed by this law to constables; for keeping prisoners, fifty cents per day, to be approved by the County Court, and to be paid out of the treasury of the county in which the prisoner committed the crime; and in cases of emergency, the sheriff may employ guards for the safe-keeping of prisoners, who shall receive one dollar per day,—such to be audited by the County Court, and paid out of the County Treasury: provided, that the county in whose limits the offence shall be alleged to have been committed shall bear such additional expense. To Coroners—for taking an inquisition on a dead body, five dollars; for all other services ren-

dered by them, the same fees that are allowed to sheriffs for the performance of similar services. To Constables—for serving each writ fifty cents; for serving each subpoena, twenty-five cents; for levying an attachment, fifty cents; for commitment of prisoners to jail, fifty cents; for taking bonds when necessary, fifty cents; for levying execution, fifty cents; for making money on execution by levy and sale, four per centum; for collecting money other than on execution or attachment, two per centum; for conveying prisoners to jail, including guard and all other expenses, twenty-five cents a mile going and returning; for each day's attendance on courts, when summoned by the sheriff, to be paid out of the County Treasury, one dollar and fifty cents; for summoning coroner's inquest, to be paid by the county, two dollars. To County Surveyors—for the inspection of field notes and plats of a survey for one league and labor of land, three dollars; for one third of a league of land, two dollars; for any smaller quantity, one dollar; for a search for any matter contained in his books, twenty-five cents. To Deputy Surveyors—for surveying any tract of land, for each English lineal mile actually run, two dollars;—the above sum of two dollars a mile to cover all the expenses of making the survey, and returning the plat and field notes of the survey.

Sec. 2. Be it further enacted, That the fees herein before mentioned, as pertaining to suits and proceedings in the courts, shall be taxed and allowed in the bill of costs, in the suits or actions in which the services shall be rendered; but not more than one copy of any matter shall be allowed in the bill of costs; nor shall there be any attorney's fee tax in the bill of costs, except in the cases herein specified; and if any party, or his attorney, shall take out copies of his own pleadings, or of papers filed by him in any cause, the charge for such copies shall not be allowed in the bill of costs.

Sec. 3. Be it further enacted, That every clerk and sheriff shall keep a fee book, and shall enter therein all fees charged for services rendered; which book shall, at all times, be subject to the inspection of any person wishing to see the account of fees charged against him therein; and none of the fees herein mentioned shall be payable, except upon the production, in writing, of a bill containing the particulars of such fees, signed by the proper officer.

Sec. 4. Be it further enacted, That it shall be lawful for the clerks or justices of the peace of the several courts of this Republic, when a suit or cause is determined, and the fees not paid by the party from whom they are due, to make out execution

therefor, directed to the sheriff, or other proper officer, of the county or beat where the party resides; and the sheriff, or other proper officer, shall execute and return such executions as in other cases: provided, that a copy of the bill of costs is annexed to such execution.

Sec. 5. Be it further enacted, That any officer herein named, who shall charge and receive, under any pretence whatever, a greater fee than is herein allowed for the performance of any service herein mentioned, shall be liable to be indicted by the Grand Jury of the county where such officer resides, for extortion; and, if convicted upon such indictment, he shall forfeit and pay a fine of not less than one hundred dollars—to be adjudged by the court in which the conviction is had; and the officer so offending and convicted shall be farther adjudged, by the court, to be deprived of his office, and to be disqualified for ever afterwards from holding any office of honor or profit in this Republic.

Sec. 6. Be it further enacted, That an act entitled "An Act to compel all government officers to receive the promissory notes of the Government for all dues that may accrue to them in the discharge of the duties of their offices," approved January 19th, 1839, and all laws and parts of laws heretofore enacted, providing for establishing the fees of the officers herein named, be, and the same are hereby repealed.

Sec. 7. Be it further enacted, That whenever any fees shall become due to any of the officers of the several county and probate courts of this Republic, and shall not be paid, it shall be lawful for the clerk of such court to issue execution for the same, directed to the sheriff, or other lawful officer, who shall execute and return such execution, as in other cases; and to every such execution shall be annexed a bill of costs, specifying the particular items; and it shall be lawful for the clerk of any court, or justice of the peace, to require security for costs before issuing any process in any suit about to be commenced, unless the party applying for such process, his agent or attorney, shall make oath that the party so applying is unable to give such security.

Sec. 8. Be it further enacted, That this act shall go into operation from and after its passage.

Approved 18th January, 1843.

JOINT RESOLUTION

Granting Judges of the Supreme Court certain Privileges.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the judges of the Supreme Court shall, at their discretion, arrange cases upon the docket in such a manner, that all cases coming from each judicial district may be submitted to trial together, or in any other manner most convenient to the purposes of justice.

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

Approved 18th January, 1842.

AN ACT

To establish and incorporate the Marshall University.

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 Marshall, in the county of Panola, to be denominated the "Marshall University."

Sec. 2. Be it further enacted, That there shall be fifteen trustees, who shall constitute a Board to take charge of the interest of the said university, and a majority of the whole number shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the following persons are declared, and shall be recognized, as a Board of Trustees of said university: _____ Livingston, Edward Smith, George T. Tabor, R. H. Hightower, _____ Maulding, _____ White, C. K. Andrews, Oba Hendrick, Samuel P. Hall, I. Van Zandt, Joseph Perry, James Shelbourn, David Hill, W. W. Pridgen, and Bailey Anderson, who shall elect, from their body, once in each

year, and oftener, should vacancies occur, a President, Vice-President, Secretary and Treasurer, whose several duties shall be assigned them by said Board. The Secretary and Treasurer shall receive for their services, such compensation as the said Board may direct: all other trustees shall discharge their duties gratuitously.

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 Marshall University," 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 purposes of promoting the purposes and interests of the university.

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 university 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 university, 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 university, 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 university shall be styled the President, and the instructors thereof, the Professors; and the President and Professors, or a majority of them, the Faculty of Marshall University; 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 university.

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

Sec. 10. Be it further enacted, That whenever any vacancies 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 university, 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 university, and of removing any of them for neglect or misconduct 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 scien-

tific, and the students of all religious denominations whatsoever, shall enjoy equal privileges.

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

Sec. 15. Be it further enacted, That the names of all donors to the said university, 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 university, in order that posterity may know who were the benefactors of the institution.

Sec. 16. Be it further enacted, That the trustees of said university shall have power to appoint ten 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 shall not be entitled to vote; but, in all cases, a majority of the regular Board shall be necessary to transact business.

Sec. 17. Be it further enacted, That four leagues of land be, and the same are hereby granted to the trustees of said university, and their successors, to be located on any vacant and unappropriated land in this Republic; and the Commissioner of the General Land-Office, upon the application of any one of the said trustees, is hereby authorized to issue certificates in tracts of not less than one-fourth of a league, in the name of "The Trustees of Marshall University, and their successors;" and the said trustees are empowered to employ any legally authorized surveyor to locate and survey the same, as other certificates or orders of survey, issued by the lawful authorities of this Republic, 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 three years, after the same shall have been patented by the Government, unless the same shall yield to the institution three dollars per acre in par funds.

Sec. 18. Be it further enacted, That the four leagues of land are hereby given, granted, and confirmed, to the said trustees of said university, 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 ap-

paratus, and for the promotion of literature, science, and the arts, in general; and for no other purpose whatever.

Sec. 19. Be it further enacted, That the property owned by the said university, under the provisions of this act, shall, at no time, exceed in value the amount of two hundred thousand dollars.

Sec. 20. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

Sec. 21. Be it further enacted, That the Congress of the Republic shall have, and it hereby reserves, the power to revise and repeal this act at each successive period of ten years from and after its passage.

Approved 18th January, 1843.

AN ACT

To authorize the President to issue Exchequer Bills, and to declare what shall be receivable in payment of taxes and duties on imports.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of February next, it shall not be lawful for any Collector of Customs of this Republic to receive in payment of imposts or duties upon goods, wares and merchandize imported into this Republic, after the day above specified, any thing but gold or silver, or the Exchequer Bills hereinafter authorized to be issued.

Sec. 2. Be it further enacted, That it shall not be lawful for the Sheriffs and Collectors of direct or license taxes to be assessed for the year one thousand eight hundred and forty-two, and all subsequent years, to receive anything in payment of such taxes except gold or silver, or the Exchequer Bills authorized to be issued by the provisions of this act.

Sec. 3. Be it further enacted, That the President be, and he is hereby authorized to issue Exchequer Bills, payable on demand, and receivable in payment of all public dues, to an amount not exceeding two hundred thousand dollars, in sums of five, ten, twenty, fifty, and one hundred dollars, to be signed by the President and countersigned by the Secretary of the Treasury; keeping a record in each Department, specifying the amount of each

denomination of bills, their number and date, and payable to, and endorsed by such person as the President may direct, keeping a record as above, which shall be filed in the Comptroller's office.

Sec. 4. Be it further enacted, That the President be, and he is hereby authorized to procure, so soon as may be, lithographed or engraved bills, for the purpose of carrying out the provisions of this act, of such form and with such suitable devices, as he in his judgment may think proper; and that until he can procure such lithographed or engraved bills, it shall be lawful for him to issue such Exchequer Bills printed in such manner as he may direct, and that such printed bills shall be made payable to and endorsed as provided in section third: provided, that such endorsement shall in no case be held or adjudged to make such endorser liable or responsible for the payment of the same.

Sec. 5. Be it further enacted, That the President's Private Secretary be, and he is hereby authorized to sign the President's name to the above contemplated Exchequer Bills, and that he be allowed half a cent for each signature.

Sec. 6. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, whenever any of said printed Exchequer Bills shall be redeemed and returned to the Treasury, to cause the same to be cancelled.

Sec. 7. Be it further enacted, That it shall be the duty of the Collector of Customs, Sheriffs, and other receiving officers of this Republic, whenever any gold or silver may be received by them in payment of government dues, to apply the same to the redemption, upon presentation for that purpose, of any of the Exchequer Bills authorized to be issued by the provisions of this act: provided, that such officers shall in no case redeem the same at a less sum than it represents on its face.

Sec. 8. Be it further enacted, That the Exchequer Bills authorized to be issued by the provisions of this act, shall be paid out for no other purpose than that of carrying out the objects of the general appropriation acts of Congress.

Sec. 9. Be it further enacted, That all land dues (except the land tax) and all payments for patents he made receivable, as heretofore, in the liabilities of the Government.

Sec. 10. Be it further enacted, That all laws heretofore passed authorizing the issue and re-issue of Promissory Notes, and their reception in payment of duties or taxes hereafter to be assessed, be, and the same are hereby repealed.

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

Approved, 19th January, 1842.

JOINT RESOLUTION

Relating to the Austin City Post-Office.

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, and he is hereby, authorized to set apart one of the government rooms, in a central part of the city of Austin, for the use of the city post-office.

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

Approved 18th January, 1842.

AN ACT

To establish a Mail-Route from Fanthorp's, in Montgomery County, to Dunn's Post-Office in Robertson County.

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 and required to contract for the carrying a weekly mail from Fanthorp's post-office, in Montgomery county, by Boonville in Navasoto county, to Dunn's post-office in Robertson county; and that he put the same in operation as early as practicable.

Approved 22d January, 1842.

AN ACT

To re-organize the Fifth Judicial District, and to prescribe the time for holding the Courts therein.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, hereafter, the counties of Sabine, Shelby, San Augustine, Nacogdoches, Burnet, and Houston, shall compose the fifth judicial district in and for the Republic of Texas.

Sec. 2. Be it further enacted, That the district courts for the county of Sabine shall commence its sessions on the fourth Mondays of March and September in each and every year, and may continue its sessions one week; for the county of San Augustine, the first Monday after the fourth Monday in March and September, and may continue in session three weeks; for the county of Shelby, on the fourth Monday after the fourth Monday in March and September, and may continue in session one week; for the county of Nacogdoches, as heretofore, on the first Monday of May and November, and may continue in session three weeks; for the county of Burnet, as heretofore, 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 in May and November, as heretofore, and may continue in session until the business is disposed of.

Sec. 3. 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. 4. Be it further enacted, That this act take effect, and be in force, from and after its passage.

Approved 22d January, 1842.

AN ACT

To provide for the holding of an annual adjourned session of the Supreme Court in the eastern section of the Republic.

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 Supreme Court, after it shall have disposed of the business before it, or after it shall have determined to adjourn at its annual session to be held at the seat of government, on the second Monday of January, each year, to adjourn its session to the third Monday of June, and to the town of Nacogdoches, when and where the members composing said Supreme Court shall meet, annually, for the purpose of transacting such business, and deciding such cases, as may come before it by virtue of the subsequent provisions of this act.

Sec. 2. Be it further enacted, That all appeals from any of the district courts of the fifth, sixth, and seventh judicial districts, and all remedial writs for the purpose of reversing the decisions of said courts, shall be returnable to the said Supreme Court to be held at the town of Nacogdoches, at the time aforesaid.

Sec. 3. Be it further enacted, That the counties the county seats of which compose the fifth, sixth and seventh judicial districts shall be styled and compose the Eastern District of the Supreme Court; and the counties the county seats of which compose the first, second, third and fourth judicial districts shall be styled and compose the Western District of the Supreme Court.

Sec. 4. Be it further enacted, That a clerk shall be appointed for said Eastern District in the same manner—that he shall be entitled to the same fees and perquisites, and subject to the same duties and penalties, as prescribed in the act organizing the Supreme Court.

Sec. 5. Be it further enacted, That the sheriff of the county of Nacogdoches shall be the sheriff of said court, and shall attend the same with the sufficient number of deputies, accordingly; and the sheriff, and his deputies, shall be bound to perform the duties of such.

Sec. 6. Be it further enacted, That the Chief Justice of the Supreme Court shall cause to be procured, as soon as practicable,

a seal for the use of said Eastern District; and that the act to establish and organize the Supreme court, and to define the powers and jurisdiction thereof, approved December fifteenth, eighteen hundred and thirty-six, as well as all laws supplementary to the same, shall be the rule of action of the Supreme Court holding its sessions in the Eastern District, except so far as they may conflict with the true intent and meaning of this act.

Sec. 7. Be it further enacted, That it shall be the duty of the Chief Justice of the Republic, as soon as practicable, after the passage of this act, to appoint a clerk of the Eastern District, who shall hold his office until the meeting of said court, in the said district.

Sec. 8. Be it further enacted, That, it shall be the duty of the Clerk of the Supreme Court at the seat of government, immediately after the passage of this act, to transmit to the Clerk of the Eastern District, all the papers returned into the said court from courts within the jurisdiction of the said Eastern District, as defined by this act, together with a transcript of all orders, proceedings, and decrees, had in relation thereto, and a bill of costs already accrued in each case; which said costs, on the decision of said suits, shall be collected by the sheriffs of the proper counties, and transmitted to the officers of court entitled to the same.

Sec. 9. Be it further enacted, That all laws, or parts of laws, conflicting with the provisions of this act be, and the same are hereby repealed; and this act shall be in force from and after its passage.

Approved 22d January, 1842.

AN ACT

To re-organize the Sixth Judicial District, and regulate the time of holding Courts therein.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That, hereafter, the sixth judicial district shall be composed of the counties of Jefferson, Jasper, Menard, Trinity, and Liberty; and the district court shall be held in Jefferson county, on the first Monday in March and October, and may continue one week; in Jasper, on the second Monday in March and October; and may

continue two weeks; in the county of Menard, on the fourth Mondays in March and October, and may continue one week; in the county of Trinity, on the first Mondays after the fourth Mondays in March and October, and may continue one week; in the county of Liberty, on the second Monday in April and November, and may continue until the business is disposed of.

Sec. 2. Be it further enacted, That all the business now pending before the courts, in the counties herein mentioned, shall not abate by operation of this act, but the same shall stand for trial at the time herein specified, in the same manner as if no change had been made.

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

Approved 24th January, 1842.

AN ACT

Amendatory of "An Act to regulate the proceedings of the District Courts, when sitting as Courts of Admiralty," approved twenty-third January, one thousand eight hundred and forty-one.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be lawful for the clerks of the district courts to grant all attachments, and other process, in all suits in admiralty now pending, or to be commenced, without the order of the judge, whenever the judge shall be absent from the county in which said suit is pending, or may be commenced; and the party claiming any property, or the party from whose possession any property may have been taken, shall have the right to stipulate for the moneys arising from the sale of such property, as contemplated in the eighth section of the above-recited act, in the same manner as for the property before sale.

Sec. 2. Be it further enacted, That when either party to any suit in admiralty may desire the testimony of any witness, not a resident citizen of the county where such suit may be pending but who may be transiently therein, it shall be lawful for the clerk of the court, on the application of such party, his or her

agent or attorney, to summon such witness to appear before him, at his office, at such time as he may appoint, not less than three days from the date of such summons, and to issue a notice to the opposite party, informing him, her, or them—his, her, or their agent or attorney, of the time and place such witness is summoned to appear; and upon the appearance of such witness, the clerk shall proceed to examine him, or her, on oath, touching his, or her, knowledge of the matters in controversy in such suit: the clerk shall reduce the testimony of such witness to writing, which, when so taken and certified by the clerk, shall be read in evidence, on the trial—subject, however, to all legal objections, except as to the manner of taking it: provided, the notice herein before specified shall have been served three days before the time of taking such testimony, or the sheriff shall make return thereof, that the party to whom directed is not found in the county: provided, further, that the appearance of the party, his agent or attorney, at the time and place of taking such testimony, shall cure any want of notice.

Sec. 3. Be it further enacted, That the district courts of the several counties bordering on the sea-board, shall be opened on the first Monday in each month, for the trial of admiralty and maritime causes; and if the judge of said court be not present, or if there be no causes for trial in said court, the same shall be adjourned forthwith, by the clerk.

Approved 24th January, 1842.

AN ACT

Supplementary to an act, entitled “An Act to raise a Revenue by Impost Duties,” approved the fifth day of February, 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 there shall be levied, collected, and paid, the following specific and ad valorem duties, in lieu of those now paid by law, to-wit:—On flour, one dollar per barrel; corn and corn meal, twenty cents per bushel of fifty pounds; oats, fifteen cents per bushel of thirty-two pounds; all other grains, twenty cents per bushel of sixty pounds; salt, ten cents per bushel of fifty pounds; sugar, (brown) one cent per pound; coffee, two cents per pound;

teas, of all descriptions, fifteen cents per pound; all-spice and black pepper, five cents per pound; and all other spices, thirty per cent. ad valorem; sperm candles, ten cents per pound; tallow candles, four cents per pound; sperm oil, thirty cents per gallon; tobacco, manufactured, thirty per cent. ad valorem; Spanish cigars, five dollars per thousand; American cigars, three dollars per thousand; butter, six cents per pound; lard, three cents per pound; cheese, three cents per pound; chocolate, three cents per pound; beef, in barrels or otherwise, three dollars for two hundred pounds; pork, in barrels or otherwise, three dollars per barrel; bacon, two cents per pound; peas and beans, fifty cents per bushel; rice, two cents per pound; pickles, sweet-meats, and all kinds of conserves, thirty per cent ad valorem; fruits—preserved, dried, and green, thirty per cent. ad valorem; loaf sugar and candies, three cents per pound; Havana sugar, (white) two cents per pound; vinegar, ten cents per gallon; bar soap, three cents per pound; shaving, and all perfumed soap, thirty per cent. ad valorem; porcelain and crockery ware, of all kinds, thirty per cent advalorem; cabinet ware, and all manufactures of wood, or of which wood is the material of chief value, thirty per cent. ad valorem; all manufactures of tin, or of which tin is the material of chief value, thirty per cent. ad valorem; shoes and boots, of all kinds, twenty-five per cent. ad valorem; hats, of all kinds, twenty-five per cent. ad valorem; ladies' bonnets, of all kinds, twenty-five per cent. advalorem; pleasure carriages and harness, of all kinds, thirty-five per cent. ad valorem; ready-made clothing and wearing apparel, of all kinds, thirty per cent. ad valorem; hardware and cutlery, of all kinds, twenty-five per cent. ad valorem; chairs of all kinds, thirty per cent. ad valorem; saddlery, of all kinds, thirty per cent. ad valorem; all house frames, and lumber of every kind, fifteen per cent. ad valorem.

Sec. 2. Be it further enacted, That there shall be collected on bagging, bale-rope, and twine, used for packing cotton, a duty of ten per cent. ad volorem; and fifteen per cent. ad valorem on powder, lead, and fire-arms, of every description; and stock, of all kinds, bibles, testaments and primary school-books, shall be imported free of duty; all other books and stationery shall be subject to a duty of fifteen per cent. ad valorem.

Sec. 3. Be it further enacted, That all the duties made payable by this act, or any law heretofore passed, and not repealed by this, shall be receivable in gold or silver, or exchequer bills, any law or obligation heretofore made to the contrary notwithstanding.

Sec. 4. Be it further enacted, That the maximum salaries hereafter named, including fees of office, and payable quarterly, shall be allowed:—To the Collector of the port of Galveston, twelve hundred dollars; the Collectors of Brazos and Port Calhoun, eight hundred dollars each; the Collector of Aransas, six hundred dollars; subject to be diminished by the following rate of commission, to wit: the collectors may retain ten per cent. of the duties until the amount, with fees of office, comes up to the maximum salary, for the ports of Galveston, Brazos, and Port Calhoun, and fifteen per cent. for the port of Aransas; but when the commission, with the fees, exceed the amount of salary, the excess of commission and fees are to be paid into the Treasury for the use of the Republic. Should the above rates of commission fall short of the stipulated conditional salary, then, and in that case, the said commission and fees of office to be in full for the salary. Deputy Collectors, when authorized by the Secretary of the Treasury, shall receive a salary of five hundred dollars per annum, payable quarterly. Permanent Inspectors, when authorized by the Secretary of the Treasury, shall receive a salary not exceeding six hundred dollars. Inspectors, not required permanently, and authorized by the Secretary of the Treasury, shall receive two dollars per diem while actually employed. And it is hereby made the duty of the Secretary of the Treasury to limit the number of officers in each district to the actual requirements consistent with a safe and economical collection of the revenue, provided, in the district of Port Calhoun, only two deputies shall be appointed, viz: one at the town of Port La Vaca on La Vaca Bay, and one at the town of Matagorda.

Sec. 5. Be it further enacted, That the counties of Paschal, Bowie, Red River, Lamar, and Fannin, shall compose a collectoral district. The collectors appointed for the districts of Sabine, San Augustine, and Red River, shall be, and they are hereby, authorized to appoint such number of deputies, subject to the approval of the Secretary of the Treasury, as may be deemed necessary for the proper collection of the revenue; and said deputies shall receive, for compensation, ten per cent. on the amount of duties collected and paid over to the Collector, provided the amount does not exceed five hundred dollars per annum. The collectors which may be appointed under this section, or heretofore appointed, in said districts, shall receive five per cent. upon all amounts received from deputies, and paid into the Treasury, and fifteen per cent. on all amounts collected without the aid of deputies, until the commission and fees amount to eight hundred dollars for each collector, in which case, all excess of commission

and fees of office shall be paid into the Treasury for the use of the Republic. Should the above commission and fees fall below the stipulated conditional salary, then, and in that case, the commissions and fees shall be in full for salary.

Sec. 6. Be it further enacted, That where no deputy is allowed by the Secretary of the Treasury, the collector may appoint some person to do the duties of the principal collector, when, from any unavoidable cause, he may be rendered incompetent to perform the same, as required by law, and the principal shall be held amenable for his conduct, and the amount of compensation he may receive. The principal collector shall, also, be amenable for the faithful conduct of all officers appointed by him under the provisions of this act.

Sec. 7. Be it further enacted, That all clerks employed by the collectors of the different districts shall be entitled to the same pay as the clerks of the same grade in the different departments of the Government, and the number employed by each port of collection, shall be regulated by the Secretary of the Treasury.

Sec. 8. Be it further enacted, That the act supplementary to "An Act amending an Act to raise a Public Revenue by Impost Duties," approved the fifth of February, one thousand eight hundred and forty, approved the fifth day of February, one thousand eight hundred and forty-one, be, and the same is hereby repealed; and, also, so much of the act, to which this act is a supplement, approved the fifth of February, one thousand eight hundred and forty, of the fourth session of Congress, as conflicts with the present act, be, and the same is hereby, repealed, except the twelfth section of the last mentioned act.

Sec. 9. Be it further enacted, That an additional duty of five per cent. ad valorem be collected, over and above that which the laws otherwise direct, from all goods imported on foreign bottoms, with the exception of those foreign vessels which, by treaty or act of Congress, are permitted to enter on the payment of the domestic duty.

Sec. 10. Be it further enacted, That, from and after the nineteenth day of May, one thousand eight hundred and forty-two, there shall be laid on all vessels which may enter any port of the Republic, from any foreign port or place, a tonnage duty of sixty cents per ton, on merchant vessels, and thirty cents on steam-boats, according to register tonnage.

Sec. 11. Be it further enacted, That this act shall take effect from and after the first day of February, eighteen hundred and forty-two.

Approved 27th January, 1842.

AN ACT

To reduce into one, and amend the several Acts, concerning Executions.

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 rising of every court, it shall be the duty of the clerk to tax the costs of suit in every case incurred by the successful party, and issue execution, endorsing thereon the several items contained in the bill of costs, in intelligible words and figures.

Sec. 2. Be it further enacted, That it shall be the duty of the clerks of the several courts of this Republic to keep an execution docket, in which shall be entered the names of cases, the time at which execution issued, the amount therefor, to whom and when delivered, and the returns which may be made thereon by the sheriff, or such officer as may receive the execution; which said docket shall be subject to the inspection of any person interested, at any time when required; and any clerk who shall fail to keep such a docket, or shall neglect to make the entries, shall be liable to a fine of one hundred dollars, to be recovered by the party complaining, by motion before the court, three days' previous notice being given thereof.

Sec. 3. Be it further enacted, That should the defendant, in any judgment of the court, be about to remove his or her property from the county in which judgment may be rendered, and before rising of the court, the court shall order execution to be immediately issued, upon an affidavit being made and filed in the court to that effect.

Sec. 4. Be it further enacted, That all executions shall be made returnable on or before the first day of the next term of the court—except in justices' courts, in which they shall be made returnable in sixty days; and the defendant, or his agent or attorney, in all cases, shall have the right to designate the property to be levied on, provided said property shall be in the county where judgment shall have been rendered, or to which execution may be issued; and if the defendant, his agent or attorney, shall fail or refuse to designate the same, it being his own property, then the levy shall be made in the following manner: first on personal and moveable property, then on uncultivated lands, then on slaves, and, lastly, on the improved lands or homestead of the defendant.

Sec. 5. Be it further enacted, That whenever any property shall have been seized by virtue of an execution, it shall be the duty of the sheriff, or other officer, to advertise the same, if it be personal property, at least ten days, at three public places in the county, one of which shall be the place where the property is to be sold; if it be slaves or lands, twenty days, by advertisement posted up, one at the court-house of the county: provided, that all sales of lands and negroes shall be made at the court-house door of the county in which the sales take place, on the first Tuesday of the month, between the hours of ten o'clock A. M. and 4. P. M.; and, provided, further, that all other property may be sold on the premises where it is seized in execution.

Sec. 6. Be it further enacted, That if, on the sale of the property, more money is received than is sufficient to pay the amount of the execution, or executions, in the hands of the sheriff, or other officer, the surplus shall be immediately paid over to the defendant, his agent or attorney.

Sec. 7. Be it further enacted, That whenever an execution is levied upon personal property, or slaves, the defendant shall have the right to retain the possession of the same, upon giving bond with good security, payable to the plaintiff, in double the amount of debt and costs, conditioned for the delivery of the property to the sheriff, or other officer, on the day of sale.

Sec. 8. Be it further enacted, That if the defendant shall fail to deliver the property so bonded, it shall be the duty of the sheriff to return the bond to the clerk of the court from which execution issued as aforesaid, and endorse thereon, forfeited; whereupon, said clerk shall issue execution against the principal and sureties on the bond for the amount of the debt and costs, upon which said execution no delivery-bond shall be taken; which fact shall be endorsed by the clerk on the execution.

Sec. 9. Be it further enacted, That it shall be the duty of the sheriff to endorse, on each execution, the day on which it came into his hands—and, if he received more than one on the same day, and against the same person, he shall number them as received; and, on failure, he shall be liable to pay twenty per cent. on the amount of the execution, together with such damages as the plaintiff, in execution, may sustain by such failure to number—to be recovered by the plaintiff, from him and his sureties, by motion, on giving three days' notice that a motion will be made to that purpose.

Sec. 10. Be it further enacted, That should any sheriff, or other officer, fail, or refuse, to pay over money collected under an execution, when demanded by the person entitled to receive the

same, shall be liable to pay ten per cent. per month on the amount so collected, besides interests and costs, which may be recovered of him and his sureties by motion before the court from which said execution issued, three days' previous notice being given.

Sec. 11. Be it further enacted, That it shall be the duty of the sheriff to keep, securely, all property levied on by him for which no delivery-bond has been given; and if any loss should result to any party interested, by his negligence, he shall be liable to pay the value of the property so lost, and ten per cent. damages thereon—to be recovered, by the party injured, before any court of competent jurisdiction, three days' previous notice thereof being given.

Sec. 12. Be it further enacted, That, whenever final judgment shall be rendered, by any of the courts of record of this Republic, it shall operate as a lien on all the real estate of the defendant, situate and being in the same county where the judgment is rendered, from the day of the date of the judgment: provided, that said lien shall cease to operate if execution be not issued out within twelve months from the date of the judgment.

Sec. 13. Be it further enacted, That when judgment shall be obtained before the Supreme, District, County, or Justices' Courts of this Republic, for any debt or damages, and the person against whom such judgment shall be obtained shall not have sufficient property within the county, where the judgment shall be rendered, to satisfy the execution of the plaintiff, it shall be lawful to issue execution directed to the sheriff, or other legal officer, of any county in this Republic, where the defendant may have property; which said sheriff, or other officer, to whom said execution may be directed, is hereby empowered and required to serve and execute the same, and shall make return thereof to the court where the judgment was rendered: provided, that executions from justice's courts, when sent to a different county from that in which they are issued, shall be accompanied by a certificate, under seal of the clerk of the county court, that the officer issuing the same is a justice of the peace.

Sec. 14. Be it further enacted, That whenever a judgment shall have been rendered by any court of this Republic, if the plaintiff, his agent, or attorney, shall make affidavit before the court, or clerk thereof, in which judgment was obtained, that the defendant, or defendants, hath, or have, no property within the knowledge of such affiant, in his or their possession, of which the debt can be made, and that such affiant has just reason to believe that another person, or persons, is, or are, indebted to said defendant, or defendants, or hath, or have, effects of such defendant,

or defendants, in his, or her, hands, it shall be lawful for the court, or clerk, to cause the person, or persons, supposed to be indebted to, or supposed to have any effects of said defendant, or defendants, to appear at the next term of such court as garnishee, or garnishees; and said court shall examine and proceed against said garnishee, or garnishees, in the same manner as prescribed by law, against garnishees in original attachments.

Sec. 15. Be it further enacted, That if any person shall bid off property, at any sale made by virtue of an execution, and shall fail to comply with the terms of the same, he shall be liable to pay to the plaintiff, or plaintiffs, in execution, twenty per cent. on the value of the property thus bid off, besides costs—to be recovered before the court whence the execution issued, by motion, three-days' previous notice being given to him, or her, that such motion will be made; and should the property, on a second sale, bring less than on the former, he shall be liable to pay to the defendant in execution, all loss which he sustains thereby, to be recovered as above in this section.

Sec. 16. Be it further enacted, That when the terms of the sale shall not be complied with by the bidder, the sheriff shall proceed to sell the property again, on the same day, if there be sufficient time; but if not, he shall re-advertise the same for the next succeeding regular day of sale.

Sec. 17. Be it further enacted, That, upon the day of sale, the plaintiff may choose one, and the defendant another, appraiser, who, after being duly sworn by the sheriff, shall proceed to appraise the property levied on at its fair cash value; and, in case said appraisers shall not be able to agree, they shall choose an umpire, who, after being duly sworn in like manner, shall proceed to decide between them; but if either party fail to attend or make his selection, either in person or by agent, it shall be the duty of the sheriff to appoint an appraiser, or appraisers, for the absentee, or absentees. The appraisement shall be reduced to writing, and signed by the appraisers, or a majority of them: the sheriff, or other officer, shall then proceed to offer the property so levied on and appraised, for sale, to the highest bidder, for cash; and if the highest sum bid does not amount to two-thirds of the valuation made by the appraisers, there shall be no sale: provided, that if the property so levied on and appraised, be personal property or slaves, the defendant shall give bond, as specified in the seventh section of this act, conditioned, for the delivery of the property to the sheriff, or other officer, whenever thereto required; and that he shall not, in the mean time, remove said property out of the county in which said levy is made.

Sec. 18. Be it further enacted, That when any defendant shall fail, or refuse, to give bond, as hereinbefore provided, or when the property levied upon shall be clearly of a wasting or perishable nature, and likely to be destroyed by keeping, it shall be lawful for the Chief Justice of the county in which such levy is made, on the application of the sheriff, or either of the parties, supported by the affidavit of some credible person, to order such property to be sold, after due notice, on a credit of nine months, for whatever it will bring—the purchaser being required to give bond, with good security, for the purchase money, payable to the plaintiff, which bond shall be returned by the sheriff, or other officer, to the clerk's office of the court from which the execution issued, and shall have the force and effect of a judgment; and if, at the maturity of such bond, it shall not be punctually paid, execution shall issue thereon against both the principal and securities, upon which the clerk shall endorse that "no appraisalment shall be had, and no security, of any kind, shall be taken;" and the sheriff, or other officer, by virtue of such execution, shall proceed to seize and sell sufficient property to pay the amount thereof, for cash, without appraisalment.

Sec. 19. Be it further enacted, That in case there be no sale of property taken in execution, as contemplated in the seventeenth section of this act, it shall be lawful for the sheriff, or other officer, after the expiration of three months, to proceed to make a second levy upon such property as the defendant may point out to him, not being the same levied upon in the first instance; and in case the property so levied upon in the second instance shall not bring two-thirds of its appraised value, then it shall be lawful, after the expiration of three months from the last mentioned sale-day, for the plaintiff in execution, his agent or attorney, to designate such property, of the defendant, as he may think proper, to be levied on; and if the property so pointed out shall not bring its full appraised value, there shall be no sale; and it shall not be lawful for the sheriff, or other officer, to levy the same execution, upon any property of the defendant, for the space of twelve months thereafter, after which time the plaintiff may again point out property to be sold under the provisions above specified, in cases of property pointed out by plaintiff: provided, that each levy and sale of property pointed out by the plaintiff, shall be at his own expense.

Sec. 20. Be it further enacted, That the provisions of this act shall apply to all sales under execution, whether by sheriffs, coroners, or constables, except sales for public dues, which shall be positive without appraisalment.

Sec. 21. Be it further enacted, That the provisions of the seventeenth, eighteenth, and nineteenth sections of this act shall apply only to debts, and other legal liabilities, contracted and incurred prior to the first day of March next; and that all sales by virtue of executions issued on judgments founded on debts, and other legal liabilities, contracted and incurred after the first day of May next, shall be made for cash, without appraisement; and the clerk, or other officer, issuing any execution, shall endorse thereon, whether the sale shall be made with or without appraisement.

Sec. 22. Be it further enacted, That when a sale has been made, and the terms thereof complied with, the sheriff, coroner, or constable, shall execute and deliver to the purchaser, a conveyance of all the right, title, interest, and claim, which the defendant in execution had in, and to, the property sold.

Sec. 23. Be it further enacted, That if any sheriff, or other officer, shall fail to make return of any execution received by him on the day, and at the place, the same shall be made returnable, or shall neglect or fail to make a levy, when in his power so to do, being thereto required by the plaintiff, or shall fail to advertise and offer for sale, as required by law, any property levied on by him, he shall be liable to pay to the plaintiff in execution, the full amount of the debt, interest and costs, to be recovered against such sheriff, or other officer, and his sureties, by motion, in any court having jurisdiction thereof, by giving three days' notice of such motion.

Sec. 24. Be it further enacted, That an act entitled an act to repeal and amend certain parts or portions of an act, entitled "An Act concerning Executions," approved twenty-second December, one thousand eight hundred and forty, be, and the same are hereby, repealed; and that nothing in this act contained shall affect any law heretofore passed, exempting property from execution.

Approved 27th January, 1842.

AN ACT

For the relief of persons who are in arrears for Taxes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the period for the payment of taxes for the year one thousand eight hundred and forty-one, be, and the same is hereby, extended to the first day of May, one thousand eight hundred and forty-two; and the Secretary of the Treasury be, and he is hereby, authorized and required to notify the sheriffs and tax collectors of the several counties of this Republic of the same.

Sec. 2. Be it further enacted, That all persons who have incurred the penalty of double tax for the year one thousand eight hundred and forty-one, be, and they are hereby, declared to be exempt from said penalty.

Sec. 3. Be it further enacted, That the sheriffs and tax collectors of this Republic be, and they are hereby, authorized to receive from the citizens thereof, who may be in arrears for taxes heretofore assessed, the amount in promissory notes or liabilities of the Government as heretofore, or one-sixth of the amount of their respective assessed taxes in gold, silver or exchequer bills, as full payment and discharge of the whole amount of said taxes.

Sec. 4. Be it further enacted, That it shall be the duty of the sheriffs and collectors aforesaid, whenever they shall receive gold or silver, or exchequer bills, in payment of taxes heretofore assessed, to specify the same in their receipts to the individuals paying the same, and to pay into the Treasury of the Republic, the funds so received; and any sheriff or collector offending against the provisions of this act, shall be liable to forfeit and pay one hundred dollars, by information and conviction thereon before the district court—one-half to the informer, and the other half to the Republic.

Sec. 5. Be it further enacted, That this act take effect from and after its passage.

Passed 28th January, 1842.

AN ACT

To change the name of Navasoto County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the district or county before known as the county of Navasoto, shall be known and called by the name of Brazos.

Sec. 2. Be it further enacted, That nothing in this act shall be so construed as to prejudice any judicial proceedings heretofore commenced in the said county of Navasoto, or which may be commenced in said county, until this act shall be generally propagated among the people of said county.

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

Passed January 28th, 1842.

JOINT RESOLUTION

To authorize the President to appoint such person as he may deem proper to sign his name to the Exchequer Bills.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be authorized to appoint such person to sign his name to the exchequer bills as he may deem proper, who shall receive as compensation one-half cent per signature, in addition to the half cent allowed by a previous act of this Congress.

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

Approved 28th January, 1842.

JOINT RESOLUTION

For the protection of the Southern Frontier.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby, authorized to employ one company of mounted men, to act as rangers, on the southern frontier, on such terms as he may deem most beneficial to the public interest.

Approved, 29th January 1842.

AN ACT

To lay out and organize the County of La Baca.

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 counties of Colorado, Fayette, Gonzales, Victoria, and Jackson, comprehended within the following limits, to wit:—Beginning at the south-east side of the Navidad river, in Colorado county; running thence, in a direct line, to the south-east corner of J. G. O'Farrell's league on the Navidad, in Colorado and Fayette counties, which direct line bears about north twenty-six degrees west, from the place of beginning; thence, from said corner of said O'Farrell's league, west, to the southeast boundary line of Fayette county; thence, along said line, until it intersects the West Navidad, on the Sandefer survey, near the house of Thomas Chaudoin; thence, in a direct line, to the north-east corner of W. Fitzgerald's survey, at the head of the La Baca; thence, west, to the north-east corner of survey number thirty, class [two] ten, lying on one [of] the eastern branches of Peach Creek, in Gonzales county; thence, due south, ten miles; thence, south fifteen degrees east, twenty-nine miles; thence, north sixty-four east, thirty-one miles; thence, north twenty-six degrees west, five and a quarter miles, to the place of beginning, be, and the same is hereby, constituted a county for judicial and all other purposes and privileges enjoyed by the several counties of this Republic, except that of separate representation in Congress, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That the above described territory shall be known and styled by the name of "La Baca;" and that Joel Ponton, Richard Veal, James Brown, John Smithers, and Thomas Chaudoin, are appointed commissioners to select two eligible sites for the county seat of said county of La Baca, and shall submit the same to the legal voters of said county, at public election, at such time and place as said commissioners may appoint; and the place thus chosen, by a majority of legal voters at said election, shall be the county seat of said county, and shall be styled "La Baca;" and the above-named commissioners shall have the right to purchase, or receive by donation, any quantity of land, not exceeding six hundred and forty acres, as will be to the interest of said county in erecting public buildings, and such other expenses as are incident to the same; and a majority of said Board of Commissioners shall have power to fill all vacancies which may occur in said Board, until otherwise provided for by law.

Sec. 3. Be it further enacted, That the county of "La Baca" be attached to, and form part of the fourth judicial district of this Republic; and all causes now pending in either of the counties out of which the county of "La Baca" is formed, in which the defendants reside in said county of La Baca, shall be transferred to said county, for trial and adjudication.

Sec. 4. Be it further enacted, That the first Monday in February next, after the passage of this act, be appointed and set apart for the election of a chief justice, sheriff, clerk of the district court, clerk of the county court, coroner, and county surveyor, for said county of "La Baca;" which said election shall be conducted under the superintendence of any two justices of the peace, at present in commission, within the limits of said county, in conjunction with one or more freeholders, who shall make return of the same to the State Department, within ten days after said election.

Sec. 5. Be it further enacted, That the times of holding the inferior or county courts for said county, shall be on the second Mondays of January, April, July, and October, of each year, until otherwise altered by law.

Sec. 6. Be it further enacted, That the times of holding the district courts in and for said county, shall be on the Mondays of _____ and _____, of each and every year, until otherwise altered by law.

Sec. 7. Be it further enacted, That this act take effect from and after its passage.

Passed by a constitutional majority, Jan. 29th, 1842.

AN ACT

Authorizing the President to perform certain duties therein named.

Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the President be authorized and requested to place in the hands of George S. M'Intosh, nine thousand six hundred acres of landscip, which, the said M'Intosh is hereby authorized to sell, and use the proceeds, accounting to the Government therefor; and this act take effect from and after its passage.

Approved 29th January, 1842.

AN ACT

To alter a part of the Southern Boundary Line of the county of Washington, and part of the Northern Boundary Line of the county of Austin.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the southern boundary line of the county of Washington (which is, also, the northern boundary line of the county of Austin) be, and the same is hereby, altered so as to run from the southwestern source of Caney Creek, in a direct line, to the residence of Stephen Williams, including said Williams in the county of Washington; thence, in a direct line, to the present residence of Robert Armstead, including him, also, in the county of Washington; thence, in a direct line, to the south-east corner of the league of land granted to Harmon Hensley; thence, running as heretofore.

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

Approved 29th January, 1842.

AN ACT

To incorporate the San Luis Bridge Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That George L. Hammekin and James R. Jennings, their present and future associates, and their successors or assigns, are hereby incorporated under the name and style of the "San Luis Bridge Company," with the usual privileges granted to chartered companies.

Sec. 2. Be it further enacted, That this company shall have the right to make bridges from the Island of San Luis to the main land, peninsulas or islands in the vicinity of said island of San Luis; and may own and make use of a steam-boat, or horse-boat, to ply between the islands of Galveston and San Luis.

Sec. 3. Be it further enacted, That the capital stock of said company shall be twenty thousand dollars, to be divided into two hundred shares of one hundred dollars each.

Sec. 4. Be it further enacted, That the tolls for passing said bridges shall not exceed the rates of ferriage as, at present, established by the county court of Brazoria.

Sec. 5. Be it further enacted, That the county in which said bridges are constructed, at any time, shall have the right to purchase the same at cost, on paying interest for the capital at five per cent. per annum.

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

Approved 29th January, 1842.

JOINT RESOLUTION

Prescribing the manner in which the Liabilities of the Government shall be destroyed.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a joint committee of the Senate and House of Representatives, to consist of two of the first and three of the latter, shall be

appointed, whose duty it shall be, on Saturday the twenty-ninth day of January, or earlier if practicable, to call on the Secretary of the Treasury, and receive, from him, each and every character of the liabilities of the Government, except exchequer bills, on file, or cancelled, or in blanks, in said department, (which is not private property,) be the same the promissory notes, star paper, eight or ten per cent. bonds or notes, or treasury warrants, drafts, or change bills, and the same set fire to, burn up, and wholly destroy.

Sec. 2. Be it further resolved, That, on the first day of each and every month thereafter, it shall be the duty of the Secretary of the Treasury to appoint three commissioners, whose duty it shall be, in the same manner, to receive all liabilities of the class above-enumerated, and to burn up and destroy the same, as prescribed in the foregoing section.

Sec. 3. Be it further resolved, That it shall be the duty of the committee aforesaid, and said commissioners, to take and keep an account of the gross amount of each and every kind burned or consumed, in conformity to the above resolutions, and have the same published.

Sec. 4. Be it further resolved, That this Joint Resolution take effect from and after its passage.

Approved 29th January, 1842.

AN ACT

To lay out and organize the County of Guadalupe.

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 counties of Gonzales, Bexar, and Travis, comprehended within the following limits, to wit:—Beginning at the mouth of Nash's Creek, where the same empties into the Guadalupe river in Gonzales county; running thence, north ten degrees east, eighteen miles; thence, a true line to a point on the road leading from San Antonio de Bexar to Nacogdoches, six miles eastwardly of the river San Marcos; thence, due west, to the Rio Blanco; thence, up the Rio Blanco, with its meanders, to its source; thence, a true line, to the Pinta Crossing of the

Guadalupe river; thence down the Guadalupe, to a point from which a line running south 45° west will strike the Cibolo at the crossing of the San Antonio and Nacogdoches road; thence, down the Cibolo, with its meanders, to the road leading from Gonzales to San Antonio; thence, with said road, to a point due south of the place of beginning; thence, a true line, due north to the place of beginning, be, and the same is hereby, constituted a county for judicial and all other purposes and privileges enjoyed by the several counties of this Republic, except that of separate representation in Congress, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That the town of Seguin, on the Guadalupe river, shall be the seat of justice for said county, until otherwise altered by law.

Sec. 3. Be it further enacted, That the county so created, as aforesaid, shall be styled "Guadalupe County," and shall be attached to the fourth judicial district of this Republic; and all causes now depending in either of the counties of which said county is formed, the defendants of which reside in said county, shall be transferred to the same, for trial and adjudication.

Sec. 4. Be it further enacted, That the first Monday in February next, after the passage of this act, be appointed for the election of a chief justice, sheriff, clerk of the district court, clerk of the county court, coroner, and county surveyor, for said county of Guadalupe; which said election, shall be conducted under the superintendence of any two justices of the peace then in commission in said county, in conjunction with one or more freeholders, who shall make a return of the same to the State Department, within ten days after said election.

Sec. 5. Be it further enacted, That the times of holding the county courts of said county, shall be on the second Mondays of January, April, July, and October, of each year, until otherwise altered by law.

Sec. 6. Be it further enacted, That the times of holding the district courts for said county shall be on the Mondays of
and , of each and every year, and may continue for one week, until altered by law.

Sec. 7. Be it further enacted, That this act take effect from and after its passage.

Passed by a constitutional majority, 29th January, 1842.

AN ACT

To organize a part of the counties of Robertson and Milam 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 all that portion of the territory of the counties of Robertson and Milam bounded and defined as follows, to wit:—Beginning on the west bank of the Brazos river, at the south-east corner of a league of land surveyed in the name of Samuel Frost, known on the map as league number eight, below the town of Viesca; thence south sixty degrees west, fifteen miles; thence, north thirty degrees west, thirty miles; thence, north sixty degrees east, crossing the Brazos river, thirty miles; thence, south thirty degrees east, thirty miles; thence, south sixty degrees west, fifteen miles, to the beginning, be, and the same is hereby, constituted and set apart as a separate district, or county, for judicial and other purposes and privileges enjoyed by the several counties of this Republic, except that of separate representation in Congress; and the citizens included in said territory shall vote with the county of Robertson for representation in Congress.

Sec. 2. Be it further enacted, That the said district or county shall be known by the name and style of Waco, and shall be organized in conformity with law; and the chief justice of the county of Robertson shall order an election to be held in said district or county, on the second Monday of April next, for a chief justice, county surveyor, and all other county officers for said district or county; and the returns of said election shall be made to the chief justice of Robertson county, and be, by him, forwarded to the Department of State.

Sec. 3. Be it further enacted, That the county courts for said district or county, shall be held on the second Mondays of February, May, August, and November.

Sec. 4. Be it further enacted, That all suits which may be pending after the adjournment of the spring courts of one thousand eight hundred and forty-two, of Robertson and Milam counties, wherein the citizens of said territory may be a party defendant, shall be, immediately thereafter, transferred to the docket of Waco county, or district, and be there adjudicated.

Sec. 5. Be it further enacted, That said county or district be attached to, and form a part of the judicial district to which the

counties of Robertson and Milam belong; and the district court of said county or district shall be holden at such times as shall be fixed by law.

Sec. 6. Be it further enacted, That the town of Viesca, at the falls of the Brazos, shall be the seat of justice for said district or county; and the land which has been heretofore reserved for said town, by authority of law, shall be laid off in suitable lots, a sufficient number of which shall be reserved for the use and benefit of said district or county—the balance shall be sold at public auction, and the proceeds applied to the erection of public buildings, and other necessary expenses attending the establishment of said district or county; and Bedin Stroud, Robert H. Porter, John Marlin, Jarret Menefee, and James Scofield, are hereby appointed commissioners to carry out the intention of this section.

Sec. 7. Be it further enacted, That this act shall take effect from and after its passage.

Passed by a constitutional majority, January 29th, 1842.

AN ACT

To authorize the Corporation of the City of Houston to remove obstructions in the Buffalo Bayou, interfering with the navigation thereof.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That whenever any steam-boat, or other craft, shall sink in the Buffalo Bayou, above the town of Harrisburg, so as to obstruct the navigation, it shall be the duty of the Mayor of the city of Houston to appoint three good and discreet men commissioners, to inspect and examine the condition of such boat or craft sunk, as aforesaid, who shall proceed, immediately on their appointment, to make an examination of such boat or craft so sunk, and report in writing, their opinion—stating whether, in their opinion, the boat or craft sunk can be, or is likely to be, raised or removed within the space of ten days after their examination; and should they be of opinion that such boat or craft is not likely to be raised

or removed so as to open the navigation, within the space of twenty days from the time of their examination, then, and in that case, the Mayor and Aldermen of the city of Houston may order the removal of such boat or craft so sunk, in any manner they shall deem proper, without incurring any damage or penalty for the same.

Sec. 2. Be it further enacted, That said corporation of the city of Houston is hereby given full power and authority to take such steps to preserve and improve the navigation of the said Buffalo Bayou, above the town of Harrisburg, as they may think proper; and, for that purpose, they are authorized to levy and collect a tax on all steam-boats and other craft running said bayou, for the purpose of improving the navigation thereof: provided, said tax shall not exceed two and a half cents per tonnage upon any such vessel, steam-boat, or water craft.

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

Approved 29th January, 1842.

AN ACT

To organize a part of the counties of Jefferson and Jasper 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 portion of the counties of Jefferson and Jasper included within the following limits, to wit:—Beginning at the Sabine Lake, at the mouth of the Neches river, and running from thence up said river, with its meanderings, to the upper corner of Lucretia Brown's league; thence, with her upper line, to the north-east corner; thence, on a direct line, to the north-west corner of Robert Goodwin's league; thence, north eighty degrees east, to the Sabine river; from thence, down said river, to the Sabine Lake; thence, along said lake, to the place of beginning, be, and the same is hereby, constituted a separate county, or territory, for judicial and other purposes which is now enjoyed by the several counties of this Republic, except that of separate representation in Congress, which shall be as heretofore.

Sec. 2. Be it further enacted, That the inferior or county courts shall be held in the same, on the second Mondays in February, May, August, and November, in each year; and the probate courts shall be held on the last Monday in every month.

Sec. 3. Be it further enacted, That the district courts shall be held in said county, on the second Mondays in March and September, and may continue in session one week.

Sec. 4. Be it further enacted, That it is hereby made the duty of the district and county clerks of the counties of Jefferson and Jasper, to forward such unfinished business which may be in either of the courts of Jefferson and Jasper counties, for or against individuals residing within the limits of the county of Neches, upon the payment of costs, and consent of parties interested.

Sec. 5. Be it further enacted, That all unfinished business which is, or may be, in the probate court of the counties of Jefferson and Jasper, of which the citizens of the county of Neches are parties interested, or of which the administrator, administratrix, or guardian, may be residents of the county of Neches, shall be transmitted to the probate court of the county of Neches: provided, said parties so interested, whether administrator, administratrix, or guardian, shall pay, or cause to be paid, all cost or fees which may be due on such unfinished business.

Sec. 6. Be it further enacted, That William D. Smith, Larkin Thomas, Gilbert Stevenson, Simeon Wise, Hilyard Durden, Robert Lard, and James Wynn, be, and they are hereby, appointed commissioners to select a site for the seat of justice for said county; and the point so selected shall be the place of holding the district and county courts, and shall be styled the town of Madison; and the above-named commissioners shall have full power and authority to receive, by donation, any quantity of land for the use of said county, or to purchase any quantity of land not exceeding three hundred and twenty acres, to be laid off in suitable lots, and sold by said commissioners, or their successors in office, the proceeds of which shall be appropriated to the building of a court-house, and such other public buildings as may be necessary, together with such expenses as may be incident thereto.

Sec. 7. Be it further enacted, That a majority of said commissioners shall form a quorum to do business, and shall have full power to fill any vacancy which may occur in said Board.

Sec. 8. Be it further enacted, That it shall be lawful for all the voters which may be included in that portion of Jasper which is, by this act, declared to be included within the limits of the county of Neches, to vote for members of Congress for the county of Jefferson, any law to the contrary notwithstanding.

Sec. 9. Be it further enacted, That William B. Ellis, or, in case of his absence, any other acting justice of the peace in said district, is hereby authorized and required, after giving lawful notice of the same, to hold an election for chief justice of the county court, sheriff, district clerk, county clerk, county surveyor, and all other officers to which other counties of this Republic are entitled: provided, nothing herein shall be construed so as to affect or prejudice the rights of any duly commissioned officer now within the limits of said county.

Sec. 10. Be it further enacted, That this act take effect from and after its passage.

Passed by a constitutional majority, January 29th, 1842.

AN ACT

To repeal, in part, and amend the several Laws creating a General Post-Office, and regulating the same.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the following rates of postage shall hereafter be charged on all letters, newspapers, books, pamphlets, and packages, except such as are, by the several acts to which this is an amendment, exempted, conveyed by the mails or posts of Texas, to wit:—For each letter composed of a single sheet of paper, and conveyed not exceeding fifty miles, twelve and a half cents; over fifty, and not exceeding one hundred miles, eighteen and three-fourths cents; over one hundred, and not exceeding two hundred miles, twenty-five cents; over two hundred miles, thirty-one and a fourth cents; all ship letters, in addition to the above rates, six and a fourth cents; on all double letters, double the above rates of postage, &c.: on each newspaper conveyed not exceeding one hundred miles, one cent; on each newspaper conveyed over one hundred miles, two cents; on all books or pamphlets, for each sheet, the same as newspaper postage; for all free letters received and distributed, the post-master shall be entitled to receive one cent each—to be charged in his quarterly returns, and retained out of the postage by him received; and two cents shall be paid by the several post-masters, for all foreign letters which may be

delivered to the same, by any master of a foreign vessel, within twenty-four hours after their arrival.

Sec. 2. Be it further enacted, That the Secretary of State be authorized, and required, to establish a post-office at the town of Liverpool; and that the citizens thereof, be authorized to convey a private weekly mail between the said town of Liverpool and the city of Galveston; and that the post-master so appointed, be governed by the laws, rules and regulations governing the Post-Office Department.

Sec. 3. Be it further enacted, That all postages shall be received in gold, silver, or exchequer bills authorized to be issued by act of this Congress.

Sec. 4. Be it further enacted, That this act shall take effect from and after the thirty-first day of March next.

Sec. 5. Be it further enacted, That all laws, and parts of laws, contravening the provisions of this act be, and the same are hereby repealed.

Approved 1st February, 1842.

AN ACT

To be entitled "An Act to authorize the Judges of the District Courts to alternate in holding the Courts, and for transferring Cases from the Court in which the Judge may be interested."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That any of the judges of the district courts are hereby authorized to hold the courts in any other district than their own, by arrangement with each other; and all judgments or proceedings before such judge shall be as good in law and equity, as if the court was held by the judge of the district.

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

Approved 1st February, 1842.

AN ACT

To authorize the Secretary of State to employ an additional Assistant Clerk.

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 employ one additional assistant clerk, to be employed in said Department, and the Post-Office Bureau, whose salary shall be the same as those of other assistant clerks, as now provided by law.

Sec. 2. Be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized to employ one additional assistant clerk.

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

Approved 1st February, 1842.

AN ACT

To incorporate the Town of Refugio.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Refugio, known as the Mission of Refugio, be, and they are hereby, declared a body politic and corporate, by the name and title of the "Town of Refugio;" and, by that name, may sue and be sued, plead and be impleaded; and may hold and dispose of real and personal estate in said town.

Sec. 2. Be it further enacted, That the provisions of the charter of the town of Victoria shall extend to the town of Refugio, and that the chief justice of Refugio county shall perform the same duties as are required of the chief justice of Victoria county, under the provisions of the aforesaid charter.

Sec. 3. Be it further enacted, That the Commissioner of the General Land-Office be authorized, and required, to issue to the Mayor and Aldermen, and their successors in office, of the aforesaid town of Refugio, a patent for the four leagues of land known as to the tract of the Mission of Refugio, and on which said town now stands.

Approved 1st February, 1842.

AN ACT

To incorporate the San Augustine Light-Horse Company.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Leonard H. Mabbit, Captain; Sandford Holeman, First Lieutenant; and Ephriam Tally, Second Lieutenant; and their associates and successors, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "San Augustine Light-Horse Company," with the same powers and privileges as are conferred by an act of Congress incorporating the "Milam Guards" of the city of Houston, approved February 5th, 1840.

Sec. 2. Be it further enacted, That Daniel Weeks, Captain, and James McNulty, of Nacogdoches county, and their successors, be incorporated, in like manner, for said purposes, with all the privileges as contemplated by said act.

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

Approved 1st February, 1842.

AN ACT

To lay out and organize a part of the County of Nacogdoches 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 all that portion of the county of Nacogdoches comprehended within the following limits, to wit:—Beginning at a point due

north, and sixteen miles from Nacogdoches; thence, due east, to the Attoyac Creek; thence, due west, (retracing the last line,) thirty miles; thence due north to the Sabine river; thence, down the Sabine, to the crossing of Trammel's Trace; thence, with Trammel's Trace, south and west, to where said Trace crosses the west boundary line of J. M'Adams' league; thence, due south, to the Attoyac; thence, with the meanders of the Attoyac, to the starting-point from said creek, be, and the same is hereby, constituted a county for judicial and all other purposes and privileges enjoyed by the several counties of this Republic, except that of separate representation in Congress, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That the above-described territory shall be known and styled by the name of Smith; and that the first Monday in March next is hereby set part for the election of five commissioners to select a site for the county seat of said county; and the place selected by said commissioners, shall be the county seat of said county, and shall be styled Karnesville; and all voters qualified to vote for members of Congress, shall be entitled to vote for said commissioners: provided, the said commissioners shall select the said county seat within five miles of the centre of said county.

Sec. 3. Be it further enacted, That the commissioners so elected, shall have the right to purchase, or receive by donation, any quantity of land not exceeding six hundred and forty acres, as will be to the interest of said county, in erecting public buildings, and such other expenses as are incident to the same; and a majority of said Board of Commissioners shall have power to fill all vacancies which may occur in said Board, until otherwise provided by law.

Sec. 4. Be it further enacted, That the county of Smith be attached to, and form a part of the fifth judicial district of this Republic; and all causes now pending in the county out of which said judicial district or county is formed, in which the defendants reside in said county, shall be transferred to said county for trial or adjudication.

Sec. 5. Be it further enacted, That the first Monday in March next, after the passage of this act, be appointed and set apart for the election of a chief justice, sheriff, clerk of the district court, clerk of the county court, coroner, and county surveyor, for said judicial district or county; which said election shall be conducted under the superintendence of any two justices of the peace, at present in commission, within the limits of said county, in conjunction with one or more freeholders, who shall

make return of the same to the State Department, within ten days after said election.

Sec. 6. Be it further enacted, That the election of the five commissioners provided for in section second, shall also be conducted under the superintendence of any two justices of the peace, in conjunction with one or more freeholders; and the certificates of said election shall be deposited with the chief justice of said judicial district or county.

Sec. 7. Be it further enacted, That the chief justice elect, of said judicial district or county, is hereby authorized and empowered to act in said capacity, under the authority of certificates of election, until such time as his commission shall have been forwarded from the State Department.

Sec. 8. Be it further enacted, That the times of holding the inferior or county courts for said county, shall be on the fourth Mondays of April, July, and October, of each year, until otherwise altered by law.

Sec. 9. Be it further enacted, That the time of holding the district courts in and for said county, shall be on the third Mondays after the time fixed for holding the district court in Houston county, of each and every year, until otherwise altered by law.

Sec. 10. Be it further enacted, That this act take effect from and after its passage.

Passed by a constitutional majority, 1st February, 1842.

AN ACT

To be entitled "An Act to organize the county of De Witt for Judicial purposes.

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 counties of Gonzales, Victoria, and Goliad, comprised within the following limits, to wit:—Beginning at the corner of a quarter of a league of land granted to Jesse M'Coy, on the north-east bank of the Guadalupe river; thence, in a direction north seventy-five degrees east, to La Baca county line; thence, with said line of La Baca county, down, continuing the same direction until a line, running south seventy-five degrees west, will cross the Guadalupe river at the lower

corner of a league of land deeded to Luciano Navaro, near Price's Creek; thence, continuing the same course, to the Coletto Creek; thence, up said creek, with its meanders, to the fork of its main branch; thence, north fifteen degrees west, to a point, whence a line running north seventy-five degrees east, will intersect the river Guadalupe opposite the beginning corner, be, and the same is hereby, constituted a separate district for judicial and all other purposes, with the like privileges enjoyed by the inhabitants of the several counties of this Republic, except that of separate representation in Congress, which shall be regulated as heretofore.

Sec. 2. Be it further enacted, That the above-described district or territory shall be known and styled by the name of the county of "De Witt;" and Daniel B. Friar, Ralph Campbell, Joseph Lawrence, James T. Wood, Ben. M. Craig, and James N. Smith, or a majority of them, are hereby appointed commissioners to select a site for the seat of justice of said county; and shall be authorized to receive, by donation or purchase, not exceeding six hundred and forty acres of land, to be laid out in lots, and sold in such manner as may be most beneficial to the county, the proceeds of which shall be applied to the erection of public buildings.

Sec. 3. Be it further enacted, That the said commissioners, or a majority of them, shall hold an election at the election precincts in said county, on the first Monday of March next, for a chief justice, and all other officers for county purposes, who shall be commissioned, and hold their offices, as is required by the law now in force; the returns of the election to be made by the aforesaid commissioners, to the Secretary of State.

Sec. 4. Be it further enacted, That the seat of justice so chosen, shall be known and styled as the town of "Cuero;" and that the county courts shall be held therein for said county, on the second Mondays in January, April, July, and October; and the said county shall constitute a part of the fourth judicial district.

Sec. 5. Be it further enacted, That all suits or actions which may be pending in the counties of Gonzales and Victoria, after the adjournment of the spring [term] of the district courts, wherein the citizens of said county of "De Witt" may be parties defendants, shall be forthwith transferred to the clerk of the district court of De Witt county, to be, by him, filed for final adjudication therein.

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

Passed by a constitutional majority, February 2d, 1842.

AN ACT

To divide the counties of Montgomery and Houston, and create the counties of Madison and Hamilton, 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 all that portion of Montgomery county bounded as follows, to wit:—Beginning on the San Jacinto, where the line of Harris county crosses the same; thence, eastward, with the line of said county, to the line of Trinity county; thence, northward, with the line of said county, to the north-west corner thereof; thence, westward, a direct line, to the north-east corner of a league of land granted to John Shannon, on the San Jacinto; thence, down the San Jacinto, to the place of beginning, shall constitute a new county, to be called the county of Madison.

Sec. 2. Be it further enacted, That all that territory within the following bounds, to wit:—Beginning on the Trinity river, at a point so that a line running eastward, parallel with the present north boundary line of Houston county, will leave the town of Crockett in the centre, north and south, of the said county of Houston, to White Rock Creek; thence, southward, so as to strike the line dividing the counties of Houston and Trinity fifteen miles east of the Trinity river; thence, westward, with the line of Trinity county, to the north-west corner of said county; thence, a direct line, westward, with the line of Madison county, to the north-east corner of a league of land granted to John Shannon, on the San Jacinto river; thence, up the San Jacinto, to the first forks above the road leading from Cincinnati to Washington; thence, a direct line, bearing the general course of the San Jacinto, to the South Beedie Creek; thence, a direct line, to Robbin's Ferry; thence, down the Trinity river, to the place of beginning, constitute a new county, to be called the county of Hamilton.

Sec. 3. Be it further enacted, That all the residue of the county retain the name of Montgomery county; and that all officers, civil and military, within the same, hold their respective offices, in the same manner as though no division of said county, as provided for by this act, had been made.

Sec. 4. Be it further enacted, That the said counties of Madison and Hamilton shall be organized in conformity with an

act passed the twentieth day of December, one thousand eight hundred and thirty-six, organizing the county courts, and declaring the powers and jurisdiction of the same, in all respects, except that of separate representation in Congress, which shall remain as heretofore.

Sec. 5. Be it further enacted, That the county courts of the said counties of Madison and Hamilton, be required to employ some competent and proper persons to run and mark such lines of their respective counties as are not defined by natural, or well known boundaries; and that they be authorized to pay for the same, out of the county treasury.

Sec. 6. Be it further enacted, That the town of Cincinnati be, and the same is hereby, declared the permanent seat of justice of Hamilton county.

Sec. 7. Be it further enacted, That E. D. Johnson, of the county of Madison, and Isaac Toucy, of the county of Hamilton, be, and they are hereby, appointed to hold an election in the several company beats in their respective counties, as early as practicable, after giving lawful notice of such election, for the purpose of electing a chief justice, clerk of the district and county courts, sheriff and coroner for each of the said counties; and, also, two justices of the peace, and one constable, in each company beat, in the said several counties of Madison and Hamilton, and certify the result of such elections to the Secretary of State for their respective commissions.

Sec. 8. Be it further enacted, That the chief justice, and justices of the peace, of each of the said counties of Montgomery and Madison, constitute a Board of Commissioners (a majority concurring) to locate the county seats of justice of their respective counties; and they are hereby authorized and empowered to obtain, by purchase or otherwise, such quantity of land as they shall deem necessary for county purposes, not to exceed one hundred and sixty acres; to lay off and sell the same in such manner, and on such terms, as they shall think proper, and to apply the proceeds thereof to the erection of a suitable court-house, jail, and other public buildings, as they shall find necessary.

Sec. 9. Be it further enacted, That the county of Madison shall pertain to the first judicial district; and that the district courts thereof, shall be holden on the fifth Mondays after the first Mondays of March and September in each year, and may continue in session one week, and no longer; and the county courts shall be holden on the third Mondays of February, May, August and September.

Sec. 10. Be it further enacted, That the county of Hamilton

shall pertain to the first judicial district; and that the district courts thereof, shall be holden on the sixth Mondays after first Mondays of March and September in each year, and may continue in session one week, and no longer; and the county courts shall be holden on the fourth Mondays of February, May, August and September.

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

Passed by a constitutional majority, February 2d, 1842.

AN ACT

Establishing the Pay of Officers of the Texas Navy.

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 pay of a captain shall be one hundred dollars per month; of a commander, sixty dollars per month; of lieutenant commanding, fifty dollars per month; of lieutenants, forty dollars per month; of surgeons, fifty dollars per month; of assistant surgeon, forty dollars per month; of purser, forty dollars per month; of midshipman, eighteen dollars per month; of warrant officers, twenty dollars per month; of a secretary to captain, thirty dollars per month; of clerks, twenty dollars per month.

Sec. 2. Be it further enacted, That all officers, seamen, and marines, shall be allowed one ration while on duty; and on leave of absence, no rations, with one-half the pay they receive when on duty, corresponding to their respective ranks—no leave of absence to be granted for a longer period than three months, without a suspension of all pay.

Approved February 3d, 1842.

AN ACT

To alter and provide for the time and place of holding the Supreme Court.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the next annual session of the Supreme Court of this Republic shall commence and be holden at the town of Washington, in the county of Washington, on the second Monday of June, eighteen hundred and forty-three; and said session shall continue until the business of the court is disposed of.

Sec. 2. Be it further enacted, That the Supreme Court, from and after the session of eighteen hundred and forty-two, shall be held annually, at the place mentioned in the preceding section, on the second Monday of June in each year, until otherwise directed by law.

Sec. 3. Be it further enacted, That all causes pending in said court, after the conclusion of its session for the current year, together with the records of the same, be removed to the place mentioned in the first section of this act; and the clerk of said court is hereby required to remove the same, and shall receive, in compensation therefor, such sum as a majority of the judges of said court shall adjudge to be just—to be paid by the Republic.

Sec. 4. Be it further enacted, That the clerk of said court is hereby authorized to contract for the use of a court-house and clerk's office.

Sec. 5. Be it further enacted, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed; and that this act take effect from and after its passage.

Approved 3d February, 1842.

AN ACT

Making Appropriations for the support of the Government for the year one thousand eight hundred and forty-two.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the following sums be, and they are hereby, appropriated for the service of the year one thousand eight hundred and forty-two, to wit:—

For the salary of the President of the Republic, five thousand dollars..

For the salary of the Vice-President, one thousand dollars.

For the salary of the Secretary of State, one thousand five hundred dollars.

For the salary of the Secretary of the Treasury, one thousand five hundred dollars.

For the salary of the Secretary of War and Navy, one thousand five hundred dollars.

For the salary of the Attorney-General, one thousand dollars.

For the salary of the Commissioner of the General Land-Office, one thousand five hundred dollars.

For the salary of the Treasurer, one thousand dollars.

For the salary of the Comptroller, one thousand dollars.

For the salary of the Auditor, one thousand dollars.

For the salary of the Captain of Ordnance, six hundred dollars.

For the salary of the Draftsman of the General Land-Office, seven hundred dollars.

For salary of eight chief clerks, at six hundred dollars each, four thousand eight hundred dollars.

For salary of one chief clerk of the Post-Office Department, six hundred dollars.

For the salary of fourteen assistant clerks of the various departments, at five hundred and fifty dollars each, seven thousand seven hundred dollars.

For the salary of Armorer, at forty dollars per month, four hundred and eighty dollars.

For the salary of four laborers at the Arsenal, at twenty-five dollars per month, one thousand two hundred dollars.

For the salary of Chief Justice and six associate judges of the

Supreme Court, at seventeen hundred and fifty dollars each, twelve thousand two hundred and fifty dollars.

For salary of one associate judge, seventeen hundred and fifty dollars.

For salary of the Clerk of the Supreme Court, five hundred dollars.

For pay of extra clerks of the Land-Office, five hundred dollars.

For the pay of members of the Senate and House of Representatives of the sixth Congress, twenty-eight thousand dollars, in exchequer bills—to be divided at the rate of five dollars per diem each, as part of their per diem pay; and the Auditor be, and he is hereby, authorized and required to audit the balance of the claim of each member, at the rate of three dollars per diem.

For the mileage of members of the Senate and House of Representatives of the sixth Congress, nine thousand dollars, in exchequer bills—to be divided at the rate of five dollars for every twenty-five miles of travel, in going to, and returning from, the seat of government, as a part of their mileage; and that the Auditor be required to audit the further sum of three dollars for every twenty-five miles travel, in going to, and returning from, the seat of government, as the balance of their mileage: provided, that each member who has received a part of their pay in the promissory notes, shall have the same rated and allowed to them at the rates of six for one.

For printing to the Senate and House of Representatives, and of the laws and journals of the sixth Congress, six thousand seven hundred and fifty dollars.

For pay of Chief Clerk, and three other clerks, of the House of Representatives of the sixth Congress, two thousand two hundred and thirty-two dollars, at six dollars per diem.

For salary of Chief Clerk of the House of Representatives, four hundred and fifty dollars.

For pay of the Secretary, and three clerks, to the Senate of the sixth Congress, two thousand two hundred and thirty-two dollars, at six dollars per diem.

For pay to Reporter to the House of Representatives, two hundred and forty dollars.

For pay of Door-Keeper, and Sergeant-at-Arms, of the Senate and House of Representatives of the sixth Congress, two thousand two hundred and thirty-two dollars, at six dollars per diem.

For contingent expenses of Executive Department, three thousand dollars.

For Private Secretary of the President, six hundred dollars.

For contingent expenses for signing exchequer bills, four hundred dollars.

For contingent expenses of State Department, sixteen hundred and fifty-eight dollars, including the salaries of two porters for the various departments.

For contingent expenses of Post-Office Bureau, two hundred dollars.

For probable deficiencies in the Post-Office Bureau, under the contracts for carrying the mails, &c., five thousand dollars.

For pay of salary due J. M. Hansford, late Judge of the seventh Judicial District, one thousand nine hundred and fifty-three dollars and seven cents.

For pay of salary due A. B. Shelby, late Judge of the first Judicial District, two thousand three hundred and forty-nine dollars and forty-six cents.

For pay of salary due P. C. Jack, Judge of the sixth Judicial District, eleven hundred and twenty-five dollars.

For pay of salary due R. Morris, Judge of the first Judicial District, seven hundred and fifty dollars.

For pay of salary due W. J. Jones, twenty-seven hundred dollars, as Judge of the second Judicial District.

For salaries of seven district attorneys, at two hundred and fifty dollars each, seventeen hundred and fifty dollars.

For pay of John D. M'Leod, as clerk to the committee to examine the Treasury Department, one hundred and ninety-eight dollars.

For amount due mail-contractors for eighteen hundred and forty-one, four thousand two hundred and fifty-eight dollars and eighty-one cents—to be apportioned to each according to the amount due each, being one-half.

For contingent expenses of the Treasury Department, five hundred dollars.

For contingent expenses of the War Department, five hundred dollars.

For contingent expenses of Ordnance Department, five hundred dollars.

For the contingent expenses of the General Land-Office, including expenses for sketches, and other data, to be furnished county surveyors, running county lines for county maps, for the purchase of blanks, four thousand dollars; to purchase of patents, two thousand dollars.

For contingent expenses of the sixth Congress, two thousand five hundred dollars.

For contingent expenses of the Supreme Court — for the pur-

chase of books, fuel, stationery, house-rent, pay for attendance of officers, &c., one thousand dollars.

For contingent expenses of the Treasurer's, Comptroller's, and Auditor's, offices, two hundred dollars each, six hundred dollars.

For Chargé d'Affaires, Agents, &c., at four thousand five hundred dollars each, nine thousand dollars.

For pay of officers and seamen of the navy, and for the support of the navy, according to the act to fix the Navy Establishment of the Republic, approved January eighteenth, eighteen hundred and forty-one, twenty thousand dollars.

For translating and publishing the laws in the Spanish language, one thousand three hundred and ninety-five dollars and thirteen cents.

For redemption of captives from the Indians, two thousand dollars.

For engraving exchequer bills, fifteen hundred dollars.

For pay for the printed bills, five hundred dollars.

For contingent expenses of the several Bureaux of the Treasury Department, four hundred dollars.

For salary due to Chief Justice Hemphill, for years one thousand eight hundred and forty, and one thousand eight hundred and forty-one, two thousand six hundred and eighty-seven dollars and fifty cents.

For salary due to R. E. B. Baylor, Judge of the third Judicial District, fifteen hundred dollars.

For salaries of assistant clerks of the General Land-Office, eleven hundred dollars.

For contingent expenses for two Chargé d'Affaires, at five hundred dollars each.

For the payment of two audited drafts, both amounting to four hundred and forty-two dollars, being amount of salary due Hon. Branch T. Archer, late Secretary of War and Navy.

For William Bryan, in part payment of his account as Government Agent, for moneys advanced by him for the Government, six thousand dollars.

For contingent expenses of Attorney-General's Department, three hundred dollars.

For pay of the minute-men for their services for the year one thousand eight hundred and forty-one, according to the various returns, &c., nine thousand six hundred dollars.

For pay of the salary due the Judge of the fourth Judicial District, one thousand dollars.

Sec. 2. Be it further enacted, That the sum of twenty thousand dollars be, and the same is hereby, appropriated, and placed

at the control of the President, for the purposes of frontier protection.

Sec. 3. Be it further enacted, That the several sums herein enumerated be, and the same are hereby, appropriated for the year one thousand eight hundred and forty-two; and that no money or moneys shall be drawn from the Treasury, except in conformity with this act.

Sec. 4. Be it further enacted, That the effect of all appropriations of all moneys made by any previous Congress, or heretofore made by any act or joint resolution of the present Congress, be, and the same are hereby, suspended until further directed by law.

Sec. 5. Be it further enacted, That the appropriations above specified in this bill, are intended to be made in the exchequer bills of this Government, or in gold and silver.

Sec. 6. Be it further enacted, That the heads of the several departments shall be paid quarterly; and the clerks of the several bureaux and departments shall be paid monthly—to be computed from the first December, eighteen hundred and forty-one, or from the time of their appointment.

Approved 3d February, 1842.

JOINT RESOLUTION

For the removal of the Custom-House, District of Aransas.

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, and he is hereby, authorized and required to remove the custom-house of the district of Aransas, to such place as will be most convenient for the transaction of the business of that district, consistent with the safety of the revenue, and which can be effected at the least expense to the Government; and the Secretary of the Treasury is hereby required to appoint three competent and disinterested persons to select a permanent location for the same.

Approved 3d February, 1842.

AN ACT

To regulate the time of holding the District Courts in the Third 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 courts of the Third Judicial District shall hereafter be held as follows, to wit:—In the county of Travis, on the first Mondays of March and September in each year, and may continue in session two weeks; in the county of Bastrop, on the third Mondays of March and September in each year, and may continue in session one week; in the county of Fayette, on the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Washington, on the first Mondays after the fourth Mondays of March and September in each year, and may continue in session two weeks; in the county of Brazos, on the third Mondays after the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Robertson, on the fourth Mondays after the fourth Mondays of March and September, and may continue in session one week; in the county of Waco, on the fifth Mondays after the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Milam, on the sixth Mondays after the fourth Mondays of March and September in each year, and may continue in session one week; in the county of Burleson, on the seventh Mondays after the fourth Mondays of March and September in each year, and may continue in session one week.

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

Sec. 3. Be it further enacted, That all laws conflicting with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after its passage.

Approved 3d February, 1842.

AN ACT

Regulating the Appointment and Duties of Pilots at the Port of Galveston.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the Collector of the port of Galveston, for the time being, shall, and he is hereby authorized to appoint (after due examination of each applicant touching his qualifications to discharge the duties thereof,) as many pilots as may be necessary for said port, requiring of each person so appointed, bond with good security, in the sum of ten thousand dollars, conditioned on the faithful performance of all the duties required of him, as pilot for said port; which bond shall be made payable to the President of the Republic of Texas, or his successors in office; and it shall not be lawful for any person to exercise the calling or duties of pilot, unless he shall have received an appointment from said Collector, in pursuance of this act.

Sec. 2. Be it further enacted, That said Collector shall have full power to suspend or dismiss any pilot, or deputy pilot, and to revoke any appointment by him made, whenever, upon enquiry and examination, it shall appear to the satisfaction of said Collector, that such pilot, or deputy pilot, is incompetent, or has failed or neglected faithfully to perform all the duties required of him.

Sec. 3. Be it further enacted, That each branch-pilot appointed in pursuance of this act, shall keep such boat or boats as, in the judgment of said Collector, may be required, as good and sufficient pilot-boats, and that they shall be employed exclusively for that purpose; and the said branch-pilot may appoint two deputy pilots, for whose acts he shall be responsible—subject to the examination and approval of said Collector; and any branch-pilot who shall appoint any deputy, without the approval of said Collector, shall forfeit his appointment.

Sec. 4. Be it further enacted, That no more than two branch-pilots shall be concerned together. No pilot shall leave the bar for a longer period than twenty-four hours, without the consent of the said Collector; nor shall two be absent at the same time. Any pilot, or deputy pilot, who shall, while in a state of inebriety,

take charge of any vessel, shall forfeit his appointment. Any pilot who shall wilfully or negligently lose any vessel, shall be dismissed; and shall, with his securities, be liable to the party injured, for all damages that may be sustained by reason thereof.

Sec. 5. Be it further enacted, That the pilots of said port shall be entitled to demand and receive for their services, pilotage at the following rates, to wit:—On all vessels drawing less than eight feet water, two dollars and fifty cents per foot; on all vessels drawing eight feet and over, three dollars per foot; any pilot that may be detained waiting on any vessel bound for sea, or any vessel that may be prevented from entering the port by contrary winds, or otherwise, shall be entitled to demand and receive three dollars per day, for each day he may be detained after the first twenty-four hours; any pilot, taking charge of a vessel in distress from loss of anchors, spars, or rudder, shall receive such extra compensation as, in the opinion of said Collector, the peculiar circumstances of the case may require—to be awarded, by said Collector, on a hearing of the parties; any pilot speaking a vessel outside the bar, inward bound—or any vessel inside the bar, outward bound, offering his services, shall be entitled to full pilotage, whether his services are accepted or not; any pilot speaking a vessel inward bound, inside the bar, shall, if his services be accepted, be entitled to half pilotage—but if his services shall not be accepted, he shall not be entitled to any pilotage; any pilot boarding a vessel fifteen miles from shore, shall be entitled to twenty-five per cent. more than the regular rates for off-shore pilotage. Consignees shall, in all cases, be liable for pilotage on vessels consigned; and no vessel shall be permitted to go to sea until all pilotage shall have been paid.

Sec. 6. Be it further enacted, That any vessel, after waiting outside the bar for four hours, with a signal for a pilot flying, may enter said port free from any charge for pilotage whatever; and any branch-pilot, or deputy pilot, who shall be guilty of neglect of duty in not promptly boarding any vessel in need of a pilot, shall, for the first offence, be suspended three months—and, for a second offence, shall forfeit his branch or appointment; and every pilot, or deputy pilot, who shall have forfeited his branch or appointment, for any cause whatever, shall, forever after, be incapable of holding any appointment in either capacity.

Sec. 7. Be it further enacted, That said Collector shall have full power to hear, settle, and adjust, all differences, difficulties and disputes that may arise with or between any of the pilots of said port, growing out of the exercise of their rights and duties as such pilots.

Sec. 8. Be it further enacted, That all laws and parts of laws conflicting with the provisions of this act be, and same are hereby, repealed.

Approved 4th February, 1842.

AN ACT

To regulate the time of holding the District Courts in the Fourth Judicial District, and a portion of the Sixth.

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 time of holding the district courts in the several counties of the fourth Judicial District of this Republic shall be as hereinafter expressed and declared, viz:—In and for the county of Bexar, on the first Mondays of March and September of each year, and may continue in session for two weeks; in and for the county of Guadalupe, on the third Mondays of March and September, of each year, and may continue in session for one week; in and for the county of Gonzales, on the fourth Mondays of March and September of each year, and may continue in session one week; in and for the county of La Baca, on the first Mondays after the fourth Mondays in March and September of each year, and may continue in session for one week; in and for the county of Jackson, on the second Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of Victoria, on the third Mondays after the fourth Mondays of March and September of each year, and may continue in session for two weeks; in and for the county of Refugio, on the fifth Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of Goliad, on the sixth Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of San Patricio, on the seventh Mondays after the fourth Mondays of March and September of each year, and may continue in session for one week; in and for the county of De Witt, on the eighth Mondays after the first Mondays of March and September of each year, and may continue in session for one week;

and in and for the county of Neches, in the sixth Judicial District, on the fourth Mondays of February and August, and may continue in session one week.

Sec. 2. Be it further enacted, That all writs, processes, and other proceedings, heretofore issued and had, or hereafter to be issued and had, shall be made returnable to the district courts of the several counties of the said fourth Judicial District, to be held in pursuance of the provisions of this act; and that all parties, witnesses and jurors are hereby required to be in attendance upon said courts, at the time specified in this act.

Sec. 3. Be it further enacted, That all laws and parts of laws, militating against the provisions of this act, be, and the same are hereby, repealed.

Approved 4th February, 1842.

AN ACT

For the relief of Louis P. Cooke.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury is hereby authorized to appoint two discreet persons, whose duty it shall be to value the premises and lot, or lots, upon which Louis P. Cooke now resides, in the city of Austin, payable in the promissory notes of the Government, on a credit of six, twelve, eighteen, and twenty-four months; and the said persons, so appointed, shall certify the value thereof, so found and assessed, to the said Secretary of the Treasury.

Sec. 2. Be it further enacted, That it shall be lawful for the said Secretary of the Treasury, upon the receipt of the certificate of the persons so appointed to value said lot and premises, to receive the notes of the said Cooke, for the said lot, payable as aforesaid, and issue to him the corresponding bond, as in other cases of the sale of Austin city lots.

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

Approved 4th February, 1842.

JOINT RESOLUTION

For the relief of the Commissioner of the General Land-Office.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land-Office shall be entitled to the same pay that is allowed to heads of departments, any law to the contrary notwithstanding.

Approved 4th February, 1842.

AN ACT

Supplementary to an act entitled "An Act defining the mode by which the Holders of Conditional Certificates shall establish the same," approved fifteenth January, eighteen hundred and forty-one; and to repeal, in part, "An Act granting Land to Emigrants," passed the fourth January, eighteen hundred and forty-one.

Whereas, the phraseology of the fifteenth section of the law above-referred to, is ambiguous and contradictory in its provisions, and susceptible of constructions contrary to its true intent and meaning—

Sec. 1. Therefore, be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the boards or tribunals created by the act herein before mentioned, shall have power, and it shall be their duty, to grant and issue unconditional certificates, of the second and third class, to applicants who have not received certificates from former boards, and shall make such proof as is required by said act, that they have resided within this Republic for three years, and performed the duties required of them as citizens.

Sec. 2. Be it further enacted, That so much of an "Act granting Land to Emigrants," passed the fourth January, eighteen hundred and forty-one, as requires the grantee to settle, and

actually reside, on the same, for the term of three years, and cultivate an amount of the same, (not less than ten acres,) before patent shall issue, be, and the same is hereby, repealed.

Sec. 3. Be it further enacted, That so much of the fifteenth section of the above-recited act as requires that an unconditional certificate shall not be issued until the expiration of two years, from the date of the conditional certificate, be, and the same is hereby, repealed.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Approved 4th February, 1842.

AN ACT

To amend an Act entitled "An Act to raise a Revenue by Direct Taxation," approved January sixteenth, 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 from and after the first day of April, one thousand eight hundred and forty-two, the following shall be the rate of taxes on all property, capital, and other objects, hereinafter specified, together with the tax on licenses to pursue any vocation or calling herein mentioned:—

On any theatre or theatrical establishment in this Republic, an annual tax of one hundred dollars.

Every person who shall exhibit, or cause to be exhibited, for emolument or pay, any museum, menagerie, wax-work, feats of activity, slight of hand, or any diversion of this character, under any name whatever, shall first obtain from the clerk of the county court, of each county where exhibited, a license therefor, for which he, she, or they, shall pay the sum of twenty-five dollars.

From the owner or proprietor of every public race-track, there shall be collected an annual tax of fifty dollars.

For every horse kept exclusively for racing, the sum of three dollars.

For every stud horse or jack ass which may stand for the season, the price for which such stud, or jack, may stand by the season.

For all horses or mules, excepting four for each farmer, or for each working or laboring man, who uses his horse in any mechanical art or branch of industry, ten cents per head.

For all neat cattle, (excepting twenty-five,) three cents per head.

For all pleasure carriages, under every name and denomination whatever, one-half of one per cent. ad valorem.

On each and every improved or unimproved lot, in any city or town, an ad valorem tax of one-fourth of one per cent. on the valuation of such lot, and improvements, if any there be.

On all slaves under ten years of age, twenty-five cents each; and on all between the ages of ten and sixty years, the sum of seventy-five cents.

On all gold watches used, or kept for use, the sum of one dollar.

On all silver watches used, or kept for use, the sum of fifty cents.

On all clocks, the works of which are made of metal, kept for use, the sum of seventy-five cents.

On all wooden clocks kept for use, the sum of twenty-five cents.

On money loaned at interest, twenty-five cents on every hundred dollars so loaned.

Each merchant who sells goods, wares, and merchandize, at wholesale, shall pay, for each establishment, an annual license tax of one hundred dollars.

Each merchant who sells or disposes of goods and merchandize at retail, shall pay a license tax of fifty dollars per annum.

All retailers of merchandize who vend wines, or spirituous liquors, cordials, etc., in quantities of a quart and over, shall pay an extra license tax of twenty-five dollars, in same manner as the first license; and, for which, they must take out a separate and distinct license.

All retailers of spirituous liquors, in quantities less than a quart, shall pay a license tax of one hundred dollars per annum.

For each billiard table, there shall be paid a license tax of one hundred dollars per annum.

For each nine or ten-pin alley, or any establishment of that kind, a license tax of fifty dollars per annum.

Every public inn or tavern, where persons are entertained and lodged for hire, within the limits of any city or town, shall pay an annual license tax of twenty-five dollars per annum.

Each public boarding-house shall pay an annual tax of ten dollars.

Each keeper of a cook-shop, restaurant, or eating-house, shall pay a license tax of fifteen dollars.

Each and every real estate agent or broker, ship-broker, and merchandize and cotton-broker, shall severally pay a license tax of twenty-five dollars; and each money-broker shall pay a license [tax] of fifty dollars; and each individual or firm who shall exercise more than one of the foregoing trades or professions, shall pay a separate tax for each trade or profession.

Sec. 2. Be it further enacted, That the sixteenth section of the act to which this is amendatary be, and the same is hereby, repealed.

Sec. 3. Be it further enacted, That the minimum valuation of land shall be fifty cents per acre; and, upon all lands, there shall be levied a tax of one tenth of one per cent. upon the amount of valuation, which shall be ascertained by the [oath] of the person giving in the land; but if the legal claimant of such lands are not citizens of this Republic, there shall be levied a tax of one-fifth of one per cent.

Sec. 4. Be it further enacted, That all auctioneers shall pay a license tax of fifty dollars, and the further sum of five per cent. upon the amount of the commissions, with exceptions, and under the restrictions, and shall be subject to the condition and duties, defined in the fifteenth section of the act to which this is a supplement.

Sec. 5. Be it further enacted, That all laws, and parts of laws, requiring a double tax to be paid, be, and the same are hereby, repealed—so far as relates to all taxes that may accrue, or become due, in future.

Sec. 6. Be it further enacted, That if any person shall fail or refuse to make a correct return of taxable property which he, she, or they, may own or possess, to the assessor, previous to the first day of September, in each and every year, shall forfeit and pay five per centum, per month, on the amount of taxes so due, or of which he, she, or they, may have failed to render an assessment.

Sec. 7. Be it further enacted, That when any lands or tenements shall be advertised for sale, by the collector of taxes, for any taxes or other dues accruing to the Republic, and such lands or tenements cannot be sold for the want of bidders, it shall be the duty of the collector to bid off the same for the Republic, at the amount of the tax so due on said lands; and which lands shall be specially reserved to the Government, and not subject to location, or other appropriation, until otherwise directed by law.

Sec. 8. Be it further enacted, That the assessor of taxes shall hereafter be appointed as heretofore, but shall hold his office for three years; and if any vacancy shall happen in such office, from any cause whatever, it shall be the duty of the chief justice and associate justices of the county where such vacancy may occur, to appoint an assessor, who shall hold the office until the expiration of the time for which the person vacating the office was appointed: such assessor, appointed by the chief justice and associate justices, shall enter into the same bonds, and perform the same duties, as is required of all other assessors.

Sec. 9. Be it further enacted, That the assessors may be removed from office on presentment and conviction of high crimes and misdemeanors, or for official misconduct.

Sec. 10. Be it further enacted, That, the assessor shall make his returns to the collector by the first of December, in each year; and that the collector shall make his returns to the Secretary of the Treasury by the first of April, in each and every year.

Sec. 11. Be it further enacted, That all taxes shall operate as a lien on the property upon which the same may be assessed; and shall be preferred to all judgments, executions, securities, or other incumbrances whatever.

Sec. 12. Be it further enacted, That, upon the failure of any person, or persons, to pay their quota of taxes, when it may be due, it shall not be necessary for the sheriff to take out execution against such person, or persons, but the assessor's list, in his possession, shall operate as, and have the force and effect of, an execution; and he shall advertise, for sale, all property, the taxes upon which have not been paid on or before the first of December, by posting up notices, in three public places, in the county where the property is situated—one of which places shall be the county seat—for sixty days previous to the sale; and shall sell the said property on the first Monday of March, and succeeding days, at the court-house door, if there be one; and if not, at the place where the court of said county may be held, for the taxes, costs, and charges; and if any person, or persons, shall offer, at the sale, to pay the dues aforesaid, for less than the whole quantity of the tract of land advertised, then it shall be stricken off to the lowest bidder; and the part, or parcel sold, if less than the entire tract advertised, shall be laid off in a square, beginning at the beginning corner of said tract.

Sec. 13. Be it further enacted, That, upon said sale, said tax collector shall give a receipt to the purchaser, or purchasers, of said land, entitling them to a deed in fee simple, if the same is not redeemed in one year, by the owner, or owners, or any other

person paying the amount of said sale, and one hundred per centum thereon; and shall, also, return to the Secretary of the Treasury, the land stricken off to the Republic—which, if not redeemed, as before stated, shall be considered as relinquished, and held as heretofore provided; and the tax-collector, or his successor in office, at the expiration of one year, as before provided, upon the production of the receipt given to the purchaser, or purchasers, at said sale, and, in the event said land is not redeemed as aforesaid, shall make, to said persons, a quit claim deed, transferring all the interest that said party had in and to said tract of land to said purchaser; which deed shall be prima facie evidence that all the requisites of the law have been complied with.

Sec. 14. Be it further enacted, That the collector of taxes shall be authorized to make return to the commissioners' court, [of] a list of insolvent taxables of their respective counties, showing the amount due from each; whose duty it shall be to examine the same—and, if found correct, to certify and sign the same; and it shall be the duty of the clerk, to transmit to the Treasury Department, a copy of the same, certified under his hand and seal of office; and to post up, in some conspicuous place in the court-house of his county, the original list; and that no allowance for insolvencies shall be allowed to any collector, except such as shall be allowed by the court as aforesaid.

Approved 5th February, 1842.

JOINT RESOLUTION

Granting leave of absence to Judge P. C. Jack, for a certain period.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That leave of absence from the Republic be, and the same is hereby, granted to the Hon. P. C. Jack for five months, during the vacancy between the spring and fall term of the courts; and, provided, the said absence shall not interfere with the discharge of his official duties.

Approved 5th February, 1842.

AN ACT

Supplementary to an Act entitled "An Act to lay out and organize the County of La Baca," and an Act entitled "An Act to lay out and organize the County of Guadalupe," and "An Act to lay out and organize the County of De Witt."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the day of the election for chief justice, sheriff, clerk of the district court, clerk of the county court, coroner, and county surveyor, for the counties of La Baca and Gaudalupe, for one thousand eight hundred and forty-two, be, and the same is hereby, postponed until the first Monday in March, one thousand eight hundred and forty-two; and that it shall be lawful for the same to be holden on that day, any law to the contrary notwithstanding.

Sec. 2. Be it further enacted, That the town of Seguin shall be the place of holding the district and county courts in the county of Guadalupe; the house of Mrs. Hallett shall be the place of holding the district and county courts in the county of La Baca, until the location of the county site; and that the house of D. B. Friar shall be the place of holding the district and county courts in the county of De Witt, until the location of the county site.

Sec. 3. Be it further enacted, That the provisions of this act, so far as relates to fixing the time of holding elections, shall extend to the county of Burleson.

Sec. 4. Be it further enacted, That this act take effect from and after its passage.

Passed by a constitutional majority, Feb. 5th, 1842.

AN ACT

For the relief of the Acting Commissary-General of Subsistence, Adjutant-General, and Paymaster-General of Militia.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby, authorized and required to audit the accounts of the Acting Commissary-General of Subsistence, Adjutant-General, and Paymaster-General of Militia, for personal services rendered this Government, under the order and direction of the War Department, for and during the year eighteen hundred and forty-one, at the rate of six for one; and said drafts shall be receivable in payment of all taxes and dues to the Government, which have heretofore accrued.

Sec. 2. Be it further enacted, That the approval of the Secretary of War to the aforesaid accounts, shall be sufficient authority for the Auditor to issue the proper drafts in favor of the respective claimants.

Approved 5th February, 1842.

AN ACT

Supplementary to an Act for the relief of the Commissary-General, Paymaster-General, and Adjutant-General, of Militia.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act to which this is a supplement, and this act, take effect from and after its passage.

Approved 5th February, 1842.

AN ACT

Supplementary to "An Act providing for the erection of a Penitentiary, and for other purposes," and "An Act to regulate the time of holding Courts in the fourth, and a portion of the sixth Judicial Districts."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of an act entitled "An Act to provide for the erection and establishment of a Penitentiary" as repeals the laws then in force, for the punishment of crimes and misdemeanors, be, and the same is hereby, suspended; and the said laws for the punishment of crimes and misdemeanors, which were in force at the date of the passage of the said law, providing for the erection of a penitentiary, be, and the same are hereby, revived, and declared to be in full force.

Sec. 2. Be it further enacted, That an act entitled "An Act to regulate the time for holding the Courts in the fourth, and a portion of the sixth, Judicial Districts," passed at the present session of Congress, together with this act, shall take effect from and after the passage of this act.

Approved 5th February, 1842.

AN ACT

Amendatory of "An Act granting Land to Emigrants," approved January fourth, one thousand eight hundred and forty-one.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of an act entitled "An Act granting Land to Emigrants," approved January fourth, one thousand eight hundred and forty-one, so far as relates to the authority thereby given

to the President to enter into a contract with W. S. Peters, and others, to introduce colonists upon certain terms therein expressed, and set forth, be, and the same are hereby, extended to such other company, or companies, which may be organized for like purposes, as the President may, in his judgment, approve.

Sec. 2. Be it further enacted, That all the rights accruing to said company by the provisions of said act; and all the duties, obligations, and conditions, imposed by the same, upon the said W. S. Peters and his associates, be, and the same are hereby extended to such other companies as may be organized under the provisions of this act.

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

Approved 5th February, 1842.

AN ACT

Supplementary to an Act entitled "An Act to abolish certain Offices therein named, and to fix the Salaries of the Officers of the Civil List, and certain others therein named, 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 there shall be allowed to each of the clerks of the several departments of this Government, one hundred and fifty dollars annually, in addition to the salary allowed by the act to which this is a supplement: provided, the provisions of this act shall not enure to the benefit of the clerks of the custom-houses.

Sec. 2. Be it further enacted, That there be, and is hereby, specially appropriated, a sufficient sum to pay the additional salaries provided for by this act.

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

Approved 5th February, 1842.

AN ACT

To re-organize the Second Judicial District.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of June, one thousand eight hundred and forty-two, the district courts of the second Judicial District shall be held as follows, viz:—Shall commence in and for the county of Brazoria, on the first Mondays in March and October of each and every year, and may continue in session two weeks; in and for the county of Fort Bend, on the third Mondays in March and October, and may continue in session one week; in and for the county of Austin, on the fourth Mondays in March and October, and may continue in session one week; in and for the county of Colorado, on the first Mondays after the fourth Mondays in March and October, and may continue in session one week; in and for the county of Ward, on the second Mondays after the fourth Mondays in March and October, and may continue in session one week; in and for the county of Matagorda, on the third Mondays after the fourth Mondays in March and October, and may continue in session till the business be disposed of.

Approved 5th February, 1842.

AN ACT

Fixing the temporary Seat of Justice of Milam County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, in the event the Supreme Court should, at their present session, decide judicial counties unconstitutional, then, and in that case, the town of Caldwell shall be the temporary seat of justice of Milam county, until otherwise removed by a vote of the citizens of said county, or by subsequent legislative enactment; and that all the proceedings of the probate and county

courts, which have been heretofore held at the said town of Caldwell, and which, otherwise, would have been legal, are, hereby, legalized, and made valid.

Sec. 2. Be it further enacted, That all the records of said county of Milam, which have not yet been removed to said town of Caldwell, and which are required, by law, to be kept at the seat of Justice, shall, forthwith, be removed to said town; and that the law of the present session, providing for holding the courts in the third judicial district, be so amended that the district court for the county of Milam, shall immediately follow the session of the district court held in the county of Robertson.

Sec. 3. Be it further enacted, That this act shall take effect from and after its passage; and that all laws, or parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed.

Approved 5th February, 1842.

AN ACT

Supplementary to an Act entitled "An Act making Appropriations for the support of Government for the year one thousand eight hundred and forty-two."

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act to which this is supplementary, shall be in force, and take effect, from and after the passage of this act, any law to the contrary notwithstanding.

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

Approved 5th February, 1842.

JOINT RESOLUTION

Authorizing Charles De Morse, late Stock Commissioner, to sign the Interest Warrants of certain Bonds therein named.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Charles De Morse, late Stock Commissioner, be, and he is hereby, authorized to sign, as such Stock Commissioner, the interest warrants annexed to twenty-five certificates of stock in the ten per cent. consolidated fund, for one hundred dollars each, issued in favor of A. L. Richart, on the thirteenth day of April, one thousand eight hundred and forty—being numbered, from twenty-five to forty-nine inclusive; and the same shall be as valid as though they had been signed at the time said certificates were issued.

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

Approved 5th February, 1842.

JOINT RESOLUTION

Authorizing an Adjourned Session 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 the judges of the Supreme Court be, and they are hereby, authorized to hold an adjourned session of the Supreme Court, to be held at the city of Austin, to commence on the first Monday of June next, for the trial of such causes as may be left undisposed of, at the present session of said Court.

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

Approved 5th February, 1842.

JOINT RESOLUTION

Fixing the Pay of the Officers of the Sixth Congress.

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 sixth Congress shall be entitled to, and receive, the sum of six dollars per diem for their services; and the Reporter of the House, four dollars per diem; and the Reporter of the Senate, one hundred and fifty dollars, in full, for their respective salaries.

Sec. 2. Be it further resolved, That the sergeants-at-arms and door-keepers of the sixth Congress shall be entitled to, and receive, the sum of six dollars per diem, for their services.

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

Approved 5th February, 1842.

AN ACT

To provide for the permanent location of the Seat of Justice of Paschal County.

Sec. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice of Paschal county be, and he is hereby, authorized and required to order an election on the fourth Monday of April next, at the usual places of holding elections in the county of Paschal, for five commissioners, for the purpose of selecting and fixing the seat of justice of said county.

Sec. 2. Be it further enacted, That the Chief Justice shall give ten days' public notice of the time, place, and manner of holding the election; and, upon the returns of the same being made to him, shall give certificates of election to the five persons who shall be elected.

Sec. 3. Be it further enacted, That the commissioners, so elected, shall proceed to select a proper location for the permanent county seat of Paschal county.

Sec. 4. Be it further enacted, That all persons entitled to vote for members of Congress, shall be permitted to vote for commissioners.

Sec. 5. Be it further enacted, That so much of the law creating the county of Paschal as conflicts with the provisions of this act be, and the same are hereby, repealed; and that this act shall take effect from and after its passage.

Passed by a constitutional majority, February 5th, 1842.

JOINT RESOLUTION

Respecting the Steam-Ship Zavala.

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby, authorized to order a survey and examination of the steam-ship of war Zavala, with a view of ascertaining her condition and value; and, upon ascertaining, to order the said Zavala to be either repaired or chartered, as, in his opinion, will most promote the public interest: provided, the President shall approve of the commander appointed for said vessel; and shall stipulate, in the charter, for the return of the Zavala to the Government at fifteen days' notice: and, further provided, the said Zavala shall run between New Orleans and some port or ports of Texas, as a packet ship: and, further provided, that said vessel shall not be chartered to any other than the citizens of this Republic: and, further provided, that, in case of charter, the party so chartering shall place in the hands of the agent of the Government, a policy of insurance of the value of the vessel chartered; and give security for the safe return of said boat, and the amount contracted for, in the charter party, which shall be paid over quarterly to the Collector of the port of Galveston.

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

Approved, 5th, February 1842.

REPUBLIC OF TEXAS, }
Department of State. }

I, the undersigned, Secretary of State of the Republic of Texas, do certify that the regular session of the sixth Congress of said Republic, adjourned on the fifth day of February, A. D. one thousand eight hundred and forty-two.

GIVEN under my hand and seal of office, at the City
[L. s.] of Austin, the seventh day of February, A. D. one thousand eight hundred and forty two.

ANSON JONES.

NOTE.—The laws, in the foregoing volume, which were signed by the President, are designated by the word “Approved”; those which were returned to the State Department without his signature, and became laws by lapse of time, by the word “Passed”; and those which were vetoed and passed, by the words “Passed by a constitutional majority.”

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