

# LAWS

PASSED AT A

SPECIAL SESSION OF THE SIXTH CONGRESS

OF THE

# REPUBLIC OF TEXAS

CONVENED AND HELD AT THE

CITY OF HOUSTON, JUNE 27th, 1842.

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HOUSTON.

1842



# LAWS.

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## AN ACT

To make valid certain acts done in the several Judicial Counties of this Republic.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all certificates and orders of survey, for lands, issued by any of the several Boards of Land Commissioners, or District Courts, of the several Judicial Counties, and all surveys of land which have been made by the several Surveyors, or their Deputies, of any such Counties, and all patents to land issued by the Commissioner of the General Land Office, upon such certificate, or order of survey or surveys, so made, shall be held to be good and valid, to all intents and purposes: provided, the same would have been legal, had the same been done by the Courts, Commissioners or officers, of a Constitutional County; and further provided, always, such survey as aforesaid, and patent that may issue thereon, shall not operate against, or prejudice in any manner, the prior vested rights of third parties.

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

Approved July 18th, 1842.

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## AN ACT

To prolong the term of the Probate Courts.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter the Probate Courts of the several counties, in this Republic, shall have authority to continue their session, from day to day, until the business shall be disposed of.

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

Approved July 19th, 1842.

## AN ACT

To change an appropriation therein specified.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the unexpended balance of the appropriation, made for the per diem and mileage pay of members of the Sixth Congress, be, and the same is hereby, appropriated; first, to the payment of the officers of the present session of Congress, at six dollars per day; and the remainder shall be paid over to the members of Congress, in attendance at the present session, in proportion to the amount which may be due each, for mileage and per diem pay, at this session: and this act shall take effect from and after its passage.

Approved July 19th, 1842.

## AN ACT

To regulate the collection of impost duties.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Collectors of Revenue are hereby required, from and after the passage of this act, to receive the Exchequer bills, in the collection of impost and tonnage duties, only at the current rate, at which such bills are selling in the market.

Sec. 2. Be it further enacted, That it shall be the duty of the Collectors of Customs to make out duplicate returns of the amount of monies received for impost and tonnage duties, the kind of money in which payment was made, [and] the day when received; one of which shall be forwarded to the Treasury Department, and the other shall be deposited with the Chief Justice of the County Court of the County, where the Custom House is situated, and be open to public inspection—which returns shall, in all cases, be sworn to by the Collector.

Sec. 3. Be it further enacted, That nothing in this act shall be so construed as to authorize the Collector of Customs to receive, at any other than the market price, the Exchequer bills, that may be on deposit, for the payment of dues yet unpaid, or hereafter accruing.

Sec. 4. Be it further enacted, That all Sheriffs, Clerks and Post-Masters, throughout the Republic, are hereby authorized and required to collect the direct and license taxes and postages in accordance with the provisions of this act.

Approved July 23rd, 1842.

## JOINT RESOLUTION.

Making appropriations for the support of the Navy.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated for the repairs and outfit of the Steam Ship Zavala; also the sum of twenty-five thousand dollars for the outfit and provisioning of the Navy now in the employment of the Government; and that the sums aforesaid be paid out of the first monies in the Treasury, or at the disposition of the Executive.

Sec. 2. Be it further resolved, That the sum of twenty-eight thousand, two hundred and thirty-one dollars be, and the same is hereby, appropriated for the pay of the officers, seamen and marines, for services rendered, and due them on the first of July, eighteen hundred and forty-two; also the sum of twenty-nine thousand four hundred and twenty-eight dollars and fifty cents for pay of Officers, seamen and marines of the Navy, for the next succeeding six months from and after the first of July, eighteen hundred and forty-two; and that in case any prizes should be made, or contributions levied, by our Navy, then and in that case, the President is hereby authorized and required to apply the same, or so much thereof as may be requisite to the payment of the above appropriations, in part payment of the officers, seamen and marines of the Navy.

Sec. 3. Be it further resolved, That no part of the sum thus appropriated shall be paid over to any Commander or disbursing Officer, for his services or prize money, until he shall have rendered to the proper Department a full account of all monies before received and disbursed; and provided further, that the amount, appropriated for back pay, shall first be ascertained to be due for services rendered in the naval service of the Government, according to the laws in existence at the time of the service; provided further however, that the provisions of this act shall not be construed to deprive the captors of their individual shares in prizes as heretofore provided by law.

Sec. 4. Be it further resolved, That the Officers in the Navy shall hereafter receive the following compensation; To a Post Captain, two hundred dollars per month; Commander, one hundred and twenty dollars; Lieutenants commanding, one hundred dollars; Lieutenants, eighty dollars; Surgeons, one hundred dollars; Assistant Surgeons, eighty dollars; Purser, eighty dollars; Masters, seventy dollars; Midshipmen, twenty dollars; Warrant Officers, forty dollars; Secretary to Captain, fifty dollars; Clerks, forty dollars; and Marines and Seamen shall be allowed pay by the law existing on the first Monday of September last.

Sec. 5. Be it further resolved, That should any prizes or contributions be made or received, the said Officers, out of that portion to which the Government would be entitled, shall receive pro rata additional pay, until it shall amount to the compensation, which they would have received, under the laws in existence, on the first Monday in September last.

Sec. 6. Be it further resolved, That the President, by and with the advice and consent of the Senate, shall appoint a Navy Agent, whose salary shall be one thousand dollars per annum; he shall give bond and security in such sum as the President may require; who shall perform the duties of disbursing Officer and Naval Store-keeper. He shall take charge of the station at Galveston, and shall be held accountable for the safe keeping of all public property, including Store ships and vessels in ordinary. He shall make all purchases necessary, and attend to all the duties heretofore performed by such Officers, and the tenth section of an act entitled "An act to abolish certain Officers therein named, and to fix the Military and Naval Establishments of the Republic," approved eighteen January, eighteen hundred and forty-one, be, and the same is hereby, repealed.

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

Approved July 23rd, 1842.

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#### AN ACT

To provide for the survey and sale of a portion of the territory formerly occupied by the Cherokee Indians.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic be, and he is hereby, authorized to cause to be surveyed, in such manner as he may deem advisable, four hundred thousand acres of land, in the territory heretofore occupied by the Cherokee Indians, which surveys shall be made in sections of one English mile square, as nearly as may be; provided, that all legal claims to lands, that have been legally located previous to February first, eighteen hundred and forty, shall be exempt from sale or surveys under the provisions of this act.

Sec. 2. Be it further enacted, That the President, so soon as a sufficient portion of said lands may have been surveyed, is authorized to appoint one or more agents, as may be necessary, to reside at such points as he may designate, whose duties shall be to sell any part of said lands, in portions not less than one quarter section, at such price as the President may designate; provided that nothing but gold or silver, or

the Exchexuer bills of this Government, shall be received in payment; nor shall any sale be made but for cash in hand.

Sec. 3. Be it further enacted, That the agents appointed shall give bond, to the President, with good security, in such sum as he may require, conditioned for the faithful performance of their duties, and the faithful and prompt payment, into the Treasury, of any money received.

Sec. 4. Be it further enacted, That the President is authorized to make contracts with the surveyors or agents, to pay them their compensation, in part, or in whole, in lands.

Sec. 5. Be it further enacted, That the agents shall make quarterly returns to the Secretary of the Treasury, shewing the quantity of land which has been disposed of, and describing the sections, townships and ranges, in which the sales have been made. He shall, at the end of each quarter, pay over all money in his hands: and on failure, his bond shall be forfeited: he shall be removed from office; and on being sued on the bond, he and his securities shall be condemned to pay to the President for the use of the Republic, double the amount of the money thus retained in his hands.

Sec. 6. Be it further enacted, That the said agents shall be subject to the orders of the President, and shall perform such other duties as may be required of them, and in case a suit may be brought against him or his securities, he or they may be sued in any county where the Attorney-General may think proper to file a petition.

Sec. 7. Be it further enacted, That the President is further authorized to appoint one or more agents in foreign countries, for the purpose of making sales of any or all of the said lands, and said agents shall be required to give the bonds contemplated by the previous section of this act; but they shall not be required to settle quarterly, but shall pay over the money so soon as practicable after receipt, and shall also render an account thereof, to the Executive and to the Congress.

Sec. 8. Be it further enacted, That whenever any sale may have been made, the agent shall issue a certificate to the purchaser, describing minutely the land sold, and upon presentation of said certificate to the Commissioner of the Land-Office, it shall be his duty to issue a patent for the same.

Sec. 9. Be it further enacted, That if a sale of a large amount of land can be made by the President, or any agent, without a previous survey, he is hereby authorized to make the same, and cause the survey to be afterwards made.

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

Approved July 23rd, 1842.

## AN ACT

To alter the time for the meeting of the annual session of Congress.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the annual session of the Congress of this Republic, shall hereafter commence on the first Monday in December, any law now in existence to the contrary notwithstanding.

Approved July 23rd, 1842.

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JOINT RESOLUTION

For frontier protection.

Section 1. Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby, authorized and required to accept the services of one company of volunteers for the purpose of ranging on the frontier, on the rivers Trinity and Navasoto: provided, they equip themselves, at their own expense, for a tour of not less than two months; and that the sum of two hundred and fifty dollars be, and the same is hereby, appropriated, of the twenty thousand dollars, heretofore made for frontier protection; which shall be applied to the purchase of supplies for said company; which amount shall be drawn and receipted for by the Captain in command;—and that the President be also allowed to raise two companies, to range on the South-Western frontier, and the sum of two thousand dollars be, and is hereby, appropriated out of the appropriation of twenty thousand dollars for frontier protection, for their maintenance.

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

Approved July 23rd, 1842.



REPUBLIC OF TEXAS, }  
Department of State, }

I, the undersigned, Acting Secretary of State of the Republic of Texas, do certify that a Special Session of the Sixth Congress, convened at the City of Houston, on Monday, the 27th day of June, 1842, adjourned on the twenty-third of July, A. D., one thousand eight hundred and forty-two.

[L. s.] GIVEN under my hand and seal of Office, at the  
City of Houston, the first day of August, A. D.  
one thousand eight hundred and forty-two.  
JOSEPH WAPLES.

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# ABSTRACT

OF

## PRIVATE ACTS AND JOINT RESOLUTIONS

PASSED AT A SPECIAL SESSION OF THE SIXTH CONGRESS, CONVENED  
AND HELD AT THE CITY OF HOUSTON,

JUNE 27th, 1842.

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### D

"Joint Resolution for the relief of F. Dawson," approved July 19th, 1842—requires the Secretary of the Treasury to cancel certain bonds of the Government, held by the said Dawson, and to issue, in lieu thereof, bonds of a smaller denomination.

### J

"Joint Resolution for the relief of Thomas Johnson," approved July 19th, 1842—directs the payment, to the said Thomas Johnson, late Judge of the first Judicial District, of the sum of \$828.00—half the salary to which he is by law entitled for the term of six months and nineteen days, during which he served as Judge as aforesaid.

"An Act to divorce certain persons therein named," approved July 23d, 1842—divorces, a vinculo matrimonii, the following persons, that is to say; Francis W. Johnson and Rosella Johnson; Benjamin Conner and Julia E. Conner; Andrew Jackson Morgan and Jane Morgan; Daniel Tuttle and Mary Tuttle; William Mays and Mary Mays; J. C. Neal and Louisa Neal; Dennis Neil and Julia Neil; Henry Tierwester and Ann Tierwester; and Jacob Duckworth and Nancy Duckworth.

### M

"An act to divorce Thomas F. McKinney and Nancy McKinney and others from the bonds of matrimony," approved July 18th, 1842—divorces, a vinculo matrimonii, the following persons, that is to say;—the said Thomas F. McKinney and Nancy McKinney; James P. Hutchison and Celia Hutchison; and David Hodges and Lucinda Hodges.

### W

"Joint Resolution for the relief of Captain Augustus Williams" passed by a Constitutional majority, July 23d, 1842—restores him to his command as Captin of Company — of Tennessee Volunteers—but does not exempt him from trial by a Court-martial, and punishment, for any mutinous or insubordinate conduct.