

L A W S

PASSED BY

THE SEVENTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

WASHINGTON:
1843

LAWS

OF THE

REPUBLIC OF TEXAS.

AN ACT

Supplementary to an act, entitled an act to divide the County of Red River, and to create and establish the Counties of Bowie and Lamar.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the ninth section of the above recited act, to which this is a supplement, be so amended as to make it the duty of the Clerk of the County and Probate Courts of said Red River County, to transmit all the papers, of every description, to the Counties of Bowie and Lamar, which belong to said Counties according to the division as recited in the above act; any thing in the law to the contrary notwithstanding; and that this act take effect from and after its passage.

Approved, 26th Dec., 1842.

AN ACT

To designate the Southern boundary of Lamar County, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the main stream, or principal south fork of the Sulphur Fork of Red River be, and is hereby declared to be the South boundary of said County.

Sec. 2. Be it further enacted, That George Wilson, Jesse

Shelton, Joel Wafer, Joseph Bowerman and Doctor John Davis, be, and they are hereby appointed, or a majority of them, to ascertain the geographical centre of said County, and proceed to denominate some two or more points, within three miles of the said centre so ascertained, having due respect to donations, that may be offered for a town site for the use of said County. The Commissioners shall then proceed to issue writs of election to the different precincts, directed to some Justice of the Peace in the same, to open and hold an election on a day named by said Commissioners, by giving ten days notice of the same, for the points in nomination; and the said Justice shall make return of said election, on the third day thereafter; and the place having the highest number of constitutional votes, shall be declared the County Seat of Lamar; and said site shall be named by said Commissioners.

Sec. 3. Be it further enacted, That said Commissioners shall proceed to lay out a town, sell lots, contract for public buildings and do all things necessary for the promotion of the interest of the County, for which services they shall be allowed three dollars per day, out of the proceeds of the sales of the County town lots.

Sec. 4. Be it further enacted, That all the records of the Courts held at said town; when the same shall be located in accordance with the provisions of this act, shall be legal and valid, any law to the contrary notwithstanding.

Approved, 26th Dec., 1842.

AN ACT

Transferring an unexpended appropriation for the contingent expenses and the pay of the seventh Congress.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That four thousand eight hundred dollars of the unexpended appropriation for the protection of the frontier, placed at the disposition of the Executive by act of Congress, passed February the third, one thousand eight hundred and forty two, be, and the same is hereby transferred and appropriated in the following manner, to wit: five hundred dollars to meet the contingent expenses of the two Houses of the seventh Congress,

and the other four thousand three hundred dollars to be pro rata distributed between the Senators and Representatives and the officers of the two Houses of the seventh Congress.

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

Approved, 26th Dec., 1842.

JOINT RESOLUTION

Supplementary to a joint resolution granting further time for the payment of Government Dues, and the return of Field Notes, approved November twenty seventh, one thousand eight hundred and forty one.

Section 1. Be it resolved by the Senate, and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of a joint resolution, approved November twenty seventh, one thousand eight hundred and forty one, granting further time for the payment of government dues and the return of field notes, be, and the same is hereby extended and declared in force until the first day of January, one thousand eight hundred and forty six.

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

Passed, 27th Dec., 1842.

AN ACT

To provide for collecting and conveying Indian prisoners to the Waco village.

Whereas the Honorable Congress has recently been assured, that the different tribes of Indians have in their possession no less than eleven Texian prisoners, and that they will be brought to the Waco village on the ninth day of February next, with the intention on the part of the Indians, to exchange them for their own people held by us as prisoners; and whereas we firmly believe that unless all the Indian prisoners, which are now

in our possession, are restored to their different tribes on the day set apart to meet them at the Waco village, that they will neither ratify the treaty of peace which has been commenced with them, nor deliver over to us our Texian brethren; the releasement of whom from Indian captivity is a matter of vital interest to their relatives as well as to every feeling heart: Therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President is hereby authorized and required to employ such person or persons, as may be necessary to collect all the Indian prisoners now in the possession of Texian citizens, or in the possession of the Lipan or Tancahua tribes of Indians; and to convey the said Indian prisoners to the Waco village, by the time set apart to conclude a treaty of peace with the different tribes of Indians on our Northern and North-Western borders.

Sec. 2. Be it further enacted, That any person or persons who shall refuse to deliver to such person or persons, as may be employed by the President, any Indian prisoner or prisoners, which he, she, or they may have in possession, shall, for each and every offence, be fined in a sum not less than five hundred, nor more than one thousand dollars, at the discretion of the court, to be recovered by motion against the offending party in the District Court, (three days previous notice being given,) or on conviction on indictment.

Sec. 3. Be it further enacted, That if any person shall refuse to deliver up such Indian prisoner or prisoners, it shall be lawful for the prisoner, or any other person for him, to apply to any District Judge, Chief Justice of the County, or Justice of the Peace, for a writ of Habeas Corpus; and if found to be an Indian prisoner, he shall be discharged from the service of the person who may detain him, or her, and placed in the custody of the person or persons, whom the President may appoint to carry out the provisions of the previous sections.

Sec. 4. Be it further enacted, That the person or persons, so employed by the President, shall, each, receive four dollars per diem, so long as he or they may reasonably be employed in collecting and conducting the Indian prisoners to the treaty ground.

Sec. 5. Be it further enacted, That the President is hereby authorized to purchase comfortable clothing and blankets for the Indian prisoners, before they are delivered over to the different tribes; and that the sum of two thousand dollars be, and the same is hereby appropriated for that purpose, as well as for the purpose of paying the expenses of conveying the prisoners to

the Waco village; and that this act take effect from and after its passage.

Approved, 28th Dec., 1842.

AN ACT

To authorize John McMullen to order the election of County officers in the County of Bexar, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That during the absence of the Chief Justice of said County of Bexar, John McMullen, one of the associate Justices, be, and he is hereby authorized to do and perform all matters and things touching the duties of said Chief Justice, until the said County shall be organized.

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

Approved, 29th Dec., 1842.

AN ACT

To amend an act, entitled an act to reduce into one and amend the several acts concerning executions, approved January twenty seventh, one thousand eight hundred and forty two.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the twenty first section of the above recited act be so amended as to read, 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 May, one thousand eight hundred and forty two, instead of March, as mentioned in said section of the above recited act.

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

Approved, 3d Jan., 1843.

AN ACT

Making appropriations for the support of the Government for the year one thousand eight hundred and forty three.

Section 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 Government, for the year one thousand eight hundred and forty three, viz:

For pay and mileage of members of the seventh Congress, fifteen thousand dollars.

For the pay of Chief Clerk of the House of Representatives, during the recess of Congress, seven hundred dollars.

For contingent expenses of the seventh Congress, two thousand dollars.

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

For compensation of the Vice President, one thousand dollars.

For compensation of the President's Private Secretary, seven hundred and fifty dollars.

For Contingent expenses of Executive Department, three thousand dollars.

For compensation to Secretary of State, one thousand five hundred dollars.

For contingent expenses of State Department, one thousand six hundred dollars.

For hire of porters, subject to the control of the Secretary of State, three hundred dollars.

For contingent expenses of the Post Office Bureau, five hundred dollars.

For transporting the mails for the year one thousand eight hundred and forty three, twelve thousand dollars, and all the moneys arising from the receipts of the Post Office Department, for the year one thousand eight hundred and forty three.

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

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

For compensation to the Comptroller, one thousand dollars.

For contingent expenses of the Comptroller's office, three hundred dollars.

For compensation to the Treasurer, one thousand dollars.

For contingent expenses of the Treasurer's office, three hundred dollars.

For compensation to the Auditor, one thousand dollars.

For contingent expenses of the Auditor's office, three hundred dollars.

For compensation of the Secretary of War and Marine, one thousand five hundred dollars.

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

For compensation of the Attorney General, one thousand dollars.

For contingent expenses of the Attorney General's office, one hundred dollars.

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

For compensation to the Draftsman of the General Land Office, eight hundred and fifty dollars.

For contingent expenses of the General Land Office, two thousand dollars.

For compensation for twenty one clerks employed in the various offices and Departments of the Government, fifteen thousand dollars.

For compensation of Chargé d'Affaires, nine thousand dollars.

For compensation to the Secretary of Legation to the United States, twenty-five hundred dollars.

For the relief of George S. McIntosh, former Secretary of Legation to France, five thousand dollars.

For contingent expenses of Legation, one thousand dollars.

For compensation to Captain of Ordnance, Armorer, and laborers employed in Ordnance department, two thousand dollars.

For contingent expenses of Ordnance department, subject to the control of the Secretary of War and Marine, five hundred dollars.

For Indian purposes, subject to the control of the Executive, ten thousand dollars.

For salary of Chief Justice of the Republic and seven associate Judges, fourteen thousand dollars.

For contingent expenses of the Supreme Court, five hundred dollars, subject to the order of the Chief Justice.

For compensation to the Clerk of the Supreme Court, five hundred dollars.

For printing of laws and journals of the Seventh Congress, five thousand dollars.

For pension to Joseph Cecil, for the year one thousand eight hundred and forty two, three hundred dollars.

For pension to Joseph Cecil, for the year one thousand eight hundred and forty three, three hundred dollars; seventy five dollars to be paid quarterly.

Sec. 2. Be it further enacted, That the unexpended balances of the appropriations for the salaries of officers of the Government, for the year one thousand eight hundred and forty two, shall be transferred to and made a part of the appropriations for the year one thousand eight hundred and forty three, in addition to the appropriations specified in this act.

Sec. 3. Be it further enacted, That the compensations allowed by this act to the officers of the civil list, shall be computed from the first day of December, one thousand eight hundred and forty two, or from the time of their appointment.

Sec. 4. Be it further enacted, That the officers of the Seventh Congress shall receive the same per diem pay as the officers of the Sixth Congress; and the sum of five thousand dollars be, and the same is hereby appropriated for the payment of the same.

Sec. 5. Be it further enacted, That the Secretary of the Treasury be, and he is hereby required to issue Exchequer bills to pay the foregoing appropriation, and disburse them in such manner that not a greater amount shall be in circulation at any one time, than fifty thousand dollars, in denominations as now required by law, until the first day of March, one thousand eight hundred and forty three, after which time, it shall be his duty to issue the bills in denominations of one, two, three, five, ten, and twenty dollars, issuing as many of the smaller denominations as may be practicable under the provisions of this section.

Sec. 6. Be it further enacted, That the sum of ———— dollars be, and the same is hereby appropriated to procure the engraving and signing of the bills to meet the foregoing appropriations.

Approved, 6th Jan., 1843.

AN ACT

To amend the several laws regulating the Post Office Department.

Section 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, and none others, shall be regarded as mail routes, on which the public mail shall be transported, that is to say:

No. One. From Galveston to Matagorda, via San Luis and Velasco.

No. Two. From Galveston to Houston.

No. Three. From Houston to Patillo's, via Liberty and Beaumont.

No. Four. From Houston to Washington.

No. Five. From Houston to Egypt, via Richmond.

No. Six. From Egypt to Victoria, via Menefee's.

No. Seven. From San Antonio to Rutersville, via Gonzales, Obarr's and La Grange.

No. Eight. From Rutersville to Cincinnati, via Mount Vernon, Independence, Washington, Montgomery and Huntsville.

No. Nine. From Cincinnati to San Augustine, via Crockett and Nacogdoches.

No. Ten. From San Augustine to Sabine Town, via Milam.

No. Eleven. From San Augustine to Daingerfield, via Shelbyville and Marshall.

No. Twelve. From Daingerfield to Fort English, via Boston, De Kalb, Savannah and Clarksville.

No. Thirteen. From Jasper to Sabine Town.

No. Fourteen. From Velasco to Washington, via Brazoria, Columbia, Richmond, San Felipe and Burleigh.

No. Fifteen. From Matagorda to La Grange, via Egypt and Columbus.

No. Sixteen. From La Grange to Austin, via Bastrop.

No. Seventeen. From Victoria to Gonzales, Via Cuero.

No. Eighteen. From Independence to Nashville, via Caldwell.

No. Nineteen. From Washington to Franklin, via Booneville.

No. Twenty. From Huntsville to Swartwout.

No. Twenty One. From Swartwout to Jasper, via Town Bluff.

Sec. 2. Be it further enacted, That upon the routes mentioned in the preceding section of this act, the mails shall be transported weekly:—Provided, that nothing herein contained, shall be regarded as conflicting with the provisions of the third section of the act, entitled “an act to amend and reduce into one, the several laws regulating the Post Office Department;” approved February the sixth, one thousand eight hundred and forty.

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

Approved, 6th Jan., 1843.

AN ACT

To amend the law regulating proceedings in Justices Courts.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, when any suit shall be commenced before a Justice of the Peace on a note of hand, bill, or other evidence of debt, signed by the defendant, if it shall appear, on the return of the proper officer, that the defendant has been duly served with process—the said Justice shall proceed at the time appointed for trial, to give judgment against the defendant for whatever amount may appear to be due by the instrument sued on; unless the defendant, on being called, shall appear and make defence; in which case the trial shall proceed as now regulated by law in other cases: Provided, the amount does not exceed the Justice’s jurisdiction.

Sec. 2. Be it further enacted, That so much of the eleventh section of an act, approved twentieth December, one thousand eight hundred and thirty six, entitled an act organizing Justices Courts, &c.; as conflicts with the provisions of this act, be, and the same is hereby repealed.

Approved, 6th Jan., 1843.

AN ACT

To provide for the payment of Assessors of Taxes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That whenever an assessment of the direct taxes shall have been properly made and returned, it shall be the duty of the Secretary of the Treasury, to draw a draft or drafts, in favor of the assessor, upon the Sheriff of the County in which he is the assessor, for the amount which may be due as his compensation, which draft or drafts shall be receivable in payment of the taxes due the Republic, in the County in which the assessment has been made, or paid by the Sheriff out of the first money by him collected of the taxes of such County; and this act shall take effect from its passage.

Approved, 7th Jan., 1843.

AN ACT

Amendatory to an act, entitled an act to amend an act to raise a revenue by direct taxation, approved February fifth, one thousand eight hundred and forty two.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the tenth section of the above recited act be so amended as to make it the duty of assessors hereafter to make their returns to the collectors of their respective counties, on the first monday of September of each and every year, in lieu of the first day of December.

Approved, 9th Jan., 1843.

AN ACT.

To amend the Probate Law.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, when any person shall die intestate, or shall not expressly forbid it by will, the same amount of property, and the same kind—if so much belong to the estate in kind—that is exempt from sale under fieri facias, or execution, by an act approved twenty fifth January, one thousand eight hundred and thirty nine, entitled “an act to exempt certain property therein named from execution,” be, and the same is hereby declared to be exempt from sale by order from any Probate Court.

Sec. 2. Be it further enacted, That when an inventory is made out and returned to the Probate Court, of the property and effects belonging to a succession, the Judge thereof shall set apart the property and articles as contemplated in the preceding section, for the sole use and benefit of the widow and children of the deceased.

Sec. 3. Be it further enacted, That the appraisers required to appraise property previous to its sale, be appointed by the Probate Judge at the time of issuing the order of sale, or on some day previous to the sale, and that they be sworn by any person legally authorized to administer an oath.

Sec. 4. Be it further enacted, That so much of the Probate law as authorizes administration to be granted to the Sheriff or a Justice of the Peace be, and the same is hereby repealed.

Sec. 5. Be it further enacted, That any testator by his last will may so provide, that no other action than the probate and registration of the will, in whatsoever county he may designate, shall be had in the Probate Courts.

Sec. 6. Be it further enacted, That all laws conflicting with the provisions of this act be, and the same are hereby repealed.

Sec. 7. Be it further enacted, That appraisers, and commissioners of partitions, for each day they may serve as such, shall be entitled to receive two dollars per day and no more, any law to the contrary notwithstanding.

Approved, 9th Jan., 1843.

AN ACT

To authorize the County Court of Brazoria county to levy a tax for certain purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the County Court of the county of Brazoria be, and is hereby authorized to collect a tax, not exceeding one fourth of one per cent, on all property being in said county, on which an assessment has been made for the year 1842, to be appropriated for the completing of the court house and jail in said county; and this act shall take effect from its passage.

Approved, 14th Jan., 1843.

AN ACT

To incorporate the Matagorda Caney Navigation Company.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be and is hereby established a corporate body, under the name of the Matagorda Caney Navigation Company, with a capital of sixty thousand dollars, to be divided into shares of five hundred dollars each—that said corporation shall have power to sue and be sued by its said name, to have a common seal, and the same to break and alter, to receive donations, to borrow money and to hold lands and personal property for the purpose of carrying out the objects of this incorporation.

Sec. 2. Be it further enacted, That books for the subscription of stock shall be opened on the first day of March next at the house of Abram Shepard, in the county of Matagorda, under the superintendence of the following Commissioners: James T. Belknap, James Shepard, John Duncan and Abram Shepard, or any two of them, and said books shall remain open until the full amount of said stock shall have been subscribed.

Sec. 3. Be it further enacted, That after said stock shall have been subscribed, the said corporate body shall be governed by such officers and by-laws, as the said stockholders shall adopt:—Provided, that nothing in such by-laws shall be contrary to or conflict with the Constitution of the Republic, and

in the election of officers and adoption of by-laws, each share shall be entitled to a vote, and voting by proxy shall be allowed.

Sec. 4. Be it further enacted, That said corporate body by a majority of votes, may from time to time order instalments of said capital stock to be paid on each and every share, and in case any instalment thus ordered to be paid shall remain unpaid upon any share or shares, for the space of thirty days after the same shall have become due, it shall be lawful for the officers of said corporate body to sell such share or shares to the highest bidder for cash.

Sec. 5. Be it further enacted, That said corporate body shall have power to clear out the channel of old Caney Creek in the county of Matagorda, and to improve the navigation thereof, by dams or locks, and otherwise, from the rise or head of the channel of said creek to the mouth thereof into the Gulf of Mexico, or so far up the channel of said creek as it will be practicable to render the same navigable, and shall have power to use the banks of said creek, and the earth and timber thereon for that purpose, and to navigate said creek.

Sec. 6. Be it further enacted, That in case any owner or owners of the soil in said creek shall refuse to surrender the same to the said corporate body for said purposes, then said corporate body shall have power to apply to any Justice of the Peace in said county, whose duty it shall be to summon a jury of six freeholders, not stockholders, to estimate the damage which such owner or owners of the soil in said creek will suffer by the provisions of this act, and by the prosecution of the work in this act contemplated, and it shall be the duty of the said corporate body to pay the damage so estimated to the said owner or owners, and then the title to the soil in said creek shall be vested in said corporate body.

Sec. 7. Be it further enacted, That after the said corporate body shall have rendered said creek navigable from a place near its mouth, commonly called the town of Manhattan, up said creek to any point fifteen miles above where the tide ebbs and flows, the said corporate body shall have the right to charge and collect tolls on all vessels, steam-boats, rafts and freight passing up or down said creek.

Sec. 8. Be it further enacted, That after thirty years, from and after the passage of this act, it shall be lawful for the county of Matagorda to pay to the said corporate body, the full amount of the expenses of clearing out the channel of said creek, and of constructing the said works, and of the damages that

may have been assessed under the provisions of the sixth section of this act; and upon said payment, the right of said corporate body to charge tolls shall cease and determine, and this act shall become null and void: Provided, that if said county shall not make said payment within one year after the expiration of said thirty years, then the said right to charge tolls as aforesaid shall exist in said corporate body, and this act shall remain in force for thirty years thereafter; at the expiration of which period, the said county shall have the further space of one year in which to make said payment.

Sec. 9. Be it further enacted, That this charter shall not be so construed as to give to said corporate body, any banking privileges whatever; and that said corporate body shall not in any case make use of its capital stock for any other purposes than those herein set forth, and for the purpose of navigating said creek by steamboats, lighters, or otherwise.

Sec. 10. Be it further enacted, That all vessels belonging to the Government of Texas, shall pass on said creek free from tolls.

Sec. 11. Be it further enacted, That said corporate body shall complete the work contemplated by this act, so far up said creek as is mentioned in the seventh section, within five years after the passage of this act.

Approved, 14th Jan., 1843.

AN ACT

For the protection of the Sea Coast.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of seven thousand dollars be, and the same is hereby appropriated for the erection and manning of fortifications for the better protection of Galveston harbor.

Sec. 2. Be it further enacted, That the sum of one thousand dollars be, and the same is hereby appropriated for the protection at the mouth of the Brazos river; and that the sum of one thousand dollars be appropriated to the defence of the pass into Matagorda bay.

Sec. 3. Be it further enacted, That a squad of ten men, commanded by a second Lieutenant, be raised and stationed at the fortification on Galveston, to take charge of the guns and munitions of war; the expense of which, to be paid out of the appropriation for the protection of that place.

Sec. 4. Be it further enacted, That the President of the Republic be, and he is hereby authorized and required to carry the provisions of this act into effect; and that this act take effect from and after its passage.

Approved, 14th Jan., 1843.

AN ACT

To incorporate the Galveston Orphan's Friend Society.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Rhoda Huckins, Sarah Sydnor, Henrietta Barnard, and Ann N. Jones, and their associates, be, and they are hereby created and declared to be a body politic and corporate, by the corporate name of the Galveston Orphan's Friend Society, and by that name shall enjoy perpetual succession, shall be capable in law of contracting and being contracted with, may sue and be sued, plead and be impleaded, and shall have all the rights and privileges incident to corporations of a like character.

Sec. 2. Be it further enacted, That the said corporation shall have power to take and hold by purchase, devise, donation, or otherwise, both real and personal estate, not to exceed in value fifty thousand dollars, for the purpose of founding, erecting and sustaining in the city of Galveston, an asylum for destitute orphans, and to have and use a common seal.

Sec. 3. Be it further enacted, That said corporation shall have full power to pass and adopt such by-laws, rules, regulations and orders, as they shall from time to time think proper, for their own government, not inconsistent with the constitution and laws of the Republic, and to appoint from their own body, or otherwise, all such officers, under such names and titles, as they may at any time think proper for the conducting and management of the business and affairs of said corporation,

with such limitations, and restrictions as they may impose.

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

Approved, 14th Jan., 1843.

AN ACT

To authorize the County Courts of Brazoria and Galveston to raise a Revenue by license on Public Ferries.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the County Courts for Brazoria and Galveston counties be, and they are hereby authorized and empowered to let out the ferries in said counties for any term of years, not more than five, on such terms as they may think proper.

Sec. 2. Be it further enacted, That all persons shall give sufficient bond and security for the faithful discharge of their duty, and in case of neglect or failure to discharge the duties promptly, the said County Courts may revoke and annul the right to the ferry; and all laws conflicting with this act are hereby repealed.

Approved, 14th Jan., 1843.

AN ACT

Supplementary to an act supplementary to an act, to detect fraudulent land certificates and to provide for the issuing patents to legal claimants.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all suits contemplated by the first section of the act to which this is a supplement, shall be commenced on or before the first day of January, one thousand eight hundred and forty four, and not thereafter.

Approved, 14th Jan., 1843.

AN ACT

Directing the auditing of the claims for carrying the mail for the years one thousand eight hundred and forty one, and one thousand eight hundred and forty two.

Section 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 to audit the residue of the claims against this Government, for carrying the mails for the years one thousand eight hundred and forty one, and one thousand eight hundred and forty two, and the sum of six hundred dollars for pay of mail contractors for one thousand eight hundred and thirty nine; which said claims, when so audited, shall be receivable in payment of direct tax at the same rate as Exchequer bills are received for the same dues.

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

Approved, 14th Jan., 1843.

AN ACT

Supplementary to an act making appropriations for the support of the Government for the year one thousand eight hundred and forty three.

Section 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 a supplement, shall be in force and take effect from and after the passage of this act.

Sec. 2. Be it further enacted, That the sum of one thousand five hundred dollars be, and the same is hereby appropriated, subject to the order of the Secretary of the Treasury, to procure the engraving and signing of the Exchequer bills ordered to be issued by the act to which this is a supplement; and the further sum of two hundred dollars for printing Treasury warrants for Comptroller's office, and other printing, including printing for one thousand eight hundred and forty two.

Sec. 3. Be it further enacted, That the sum of five hundred dollars be, and the same is hereby appropriated, out of any money that may hereafter come into the Treasury, and not

otherwise appropriated, for the payment of the contingent expenses of the Treasury Department, for the year one thousand eight hundred and forty two.

Sec. 4. Be it further enacted, That in addition to the appropriation already made for the pay and mileage of members of Congress, the further sum of three thousand seven hundred and fifty one dollars be, and the same is hereby appropriated for the arrearages due the members of the Sixth Congress, at the extra session in the summer of one thousand eight hundred and forty two.

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

Approved, 14th Jan., 1843.

AN ACT

To amend an act entitled an act, regulating sales by judgment or decree of a Probate Court, or Court of Chancery, approved, February 4th, 1841.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all sales of the property of any deceased person, made by any administrator, executor, or guardian, under or by order of any judgment or decree of any Probate Court, or Court of Chancery, shall be made upon a credit of twelve months, with security, to the satisfaction of such administrator, executor, or guardian, or for cash, as the said Probate Court, or Court of Chancery, shall deem most advisable for the interest of the estate of said deceased person, and of the creditors thereof; Provided, that all such sales for cash shall be made upon appraisement, and shall not be made for less than two thirds of the appraised value of the property to be sold; and provided, that in case any property ordered to be sold for cash, shall not sell for two thirds of its appraisement, it shall be within the discretion of the Judge to re-order the sale, on a credit of twelve months.

Sec. 2. Be it further enacted, That a like notice, as that required for sales under execution, shall be given for all sales to be made by virtue of this act; and that on all sales for cash, by virtue of this act, the Chief Justice of the county where such

sales are to be made, or in his absence, the associate Justices, shall, on the day of such sales, or a day previous, appoint three appraisers, who shall on oath appraise the value of the property to be sold; Provided, that the heirs or legatees of such estate, if present in person, or by attorney, or guardian, shall have the right of appointing one of said appraisers, by making said appointment in writing, filed in the clerk's office of the Probate Court of the county where said sale is to take place, at least three days before the day of sale; and provided, that all such appraisers shall be freeholders of the county where such sale is to be made.

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

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

Approved, 14th Jan., 1843.

AN ACT

To provide for the establishment and maintenance of peace, and to regulate friendly intercourse with the Indians.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be, and there is hereby created and established, a Bureau of Indian affairs, to be attached to the War Department; and the chief clerk of that Department shall perform the duties without any additional compensation.

Sec. 2. Be it further enacted, That the President shall cause to be laid before Congress, at each regular session, a report of the affairs and transactions of the Indian Bureau, with his views and recommendations in relation thereto.

Sec. 3. Be it further enacted, That the President shall have power, whenever he may deem it necessary, to appoint interpreters, not exceeding four; whose salaries, each, shall not exceed two hundred and fifty dollars per annum.

Sec. 4. Be it further enacted, That the President shall have power to appoint as many agents, not exceeding four, as may be necessary for the preservation of peace among the border

tribes; the salary of each of which shall not exceed five hundred dollars per annum; and one superintendent, whose salary shall not exceed seven hundred and fifty dollars per annum.

Sec. 5. Be it further enacted, That all officers and agents, appointed by the President and connected with Indian affairs, shall take an oath to support the Constitution and laws of the Republic, and obey the instructions of the President.

Sec. 6. Be it further enacted, That all agents shall report at least twice a year to the Executive, and oftener if required so to do; communicating all facts and intelligence connected with the performance of their duties, and every thing affecting the welfare of the Republic and the Indians, that they may have come to their knowledge.

Sec. 7. Be it further enacted, That the President shall cause to be established trading houses, or posts; which posts or trading houses shall be established as follows, to wit:

No. 1. On or near the south fork of the Trinity, some where between the lower and upper Cross Timbers.

No. 2. At or near the Comanche Peak.

No. 3. At or near the old San Saba Fort, or mission.

No. 4. At or near Porto Vandro.

No. 5. At or near the junction of the Moras and Rio Grande.

The places to be designated by the commissioners that make the treaty with the Indians, not to exceed twenty five miles from the places designated in this section..

Sec. 8. Be it further enacted, That the traders shall be appointed and licensed by the President, and give bond, to be approved by the President, for the faithful performance of their duties; and at all times be subject to the instructions of the President, or his proper officers. Any person or persons, trading with the Indians without said appointment and license, shall be liable to indictment and punishment in any county in the Republic, by fine, in a sum not less than fifty, nor more than five hundred dollars for each and every offence, and imprisonment at the discretion of the Court; and such persons thus licensed, shall pay into the Treasury of the Republic such sums as the President may require, and no license shall extend beyond one year, but may be renewable.

Sec. 9. Be it further enacted, That no agent shall in any wise be connected with the Indian trade, unless by the express appointment and license of the Government therefor; and only then, when it is evident some useful end is, by that course, to be attained; but where a trader may act as agent he shall

receive no salary; and where such agent may be a trader, he shall make out his invoices and swear to them before some Chief Justice of a county, or Justice of the Peace.

Sec. 10. Be it further enacted, That each trader shall render, under oath, to the Indian agent, a full and accurate invoice of all goods, wares and merchandize of every description whatsoever, taken to the trading-house; which invoice said agent shall transmit, retaining a copy thereof, to the Bureau of Indian affairs.

Sec. 11. Be it further enacted, That no person or persons shall, under any circumstances, trade, within the settlements, with any Indian for any horse, mule, or other property, unless by express permission, in writing, of some Chief Justice or Justice of the Peace; and then only in the presence of two or more witnesses of good character.

Sec. 12. Be it further enacted, That whenever any property is found among the whites, belonging to the Indians, it shall be the duty of any Chief Justice, Justice of the Peace, Sheriff or Constable, to see that the same is restored; and, on the other hand, whenever property belonging to the whites is found among the Indians, the same shall be restored in like manner by the Indian agent.

Sec. 13. Be it further enacted, That no trader shall furnish any warlike stores to the Indians, unless by permission of the President.

Sec. 14. Be it further enacted, That no ardent spirits, or intoxicating liquors, of any kind, shall, under any circumstances, be introduced within the limits of any nation of Indians, or at any trading-house; and any such liquors, found within ten miles of the line of trading-houses, shall be destroyed by the agent, or any other person; and the person or persons introducing, or attempting to introduce the same, shall be liable therefor to indictment in any county of the Republic, and, upon conviction, to a fine of not less than fifty nor more than five hundred dollars; and otherwise punished at the discretion of the Court. If such person or persons are in the employment of the Government, they shall be immediately removed by the President.

Sec. 15. Be it further enacted, That no person or persons shall, without special permission of the President, pass the line of trading-houses, and then only for friendly purposes; nor shall any person or persons reside among, or remain within the limits of the territory assigned to the Indians, unless by express direction of the President.

Sec. 16. Be it further enacted, That the Indians shall not come below the line of their territory, without the special permission of an agent, and then only when accompanied by one or more white men, appointed by the agent for that purpose.

Sec. 17. Be it further enacted, That any person or persons, who shall attempt to molest the Indians or their property, while they remain peaceable under the treaties, shall be held guilty of felony and punished accordingly.

Sec. 18. Be it further enacted, That any killing or outrage whatsoever, committed by a white man upon any Indian, in time of peace, shall be punished in the same manner as though the Indian were a white man: Provided, any such Indian or Indians shall not be within the limits of any settlement in violation of the provisions of this law; and the person or persons so offending, shall be liable to indictment, and punished in any court in the Republic.

Sec. 19. Be it further enacted, That any person or persons, who shall attempt to raise a force for the purpose of making war upon the Indians, while at peace, without direct authority from the Government, shall be held guilty of felony, and punished accordingly; and fined, where their property will admit of the assessment, in a sum not less than fifty, nor more than five hundred dollars.

Sec. 20. Be it further enacted, That the President shall have power to make such arrangements and regulations with the several tribes of Indians as he may deem expedient for the establishment and preservation of peace, and the promotion of the common welfare.

Sec. 21. Be it further enacted, That the President shall have power to procure the release of prisoners held by the Indians, upon such terms as he may deem advisable.

Sec. 22. Be it further enacted, That in making any treaties with the Indian tribes, the commissioners are hereby required to insert an article, if practicable, reserving to the Republic the right of working mines in the Indian Territory; and the President is hereby authorized to grant permission to proper persons to work any mines within the Indian Territory, under such restrictions as he may think proper; and the Republic shall receive five per cent., on the net proceeds, from all such mines.

Sec. 23. Be it further enacted, That the President shall have power to regulate the relative grades of Indians in council; and that this act take effect from and after its passage.

Approved, 14th Jan., 1843.

AN ACT

For the protection of the Western and the South Western frontier,
and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That immediately after the passage of this act, the two Houses of Congress shall proceed to elect, by joint ballot, a Major General of militia, who shall be commissioned by the President, and shall hold his office until the first day of January, one thousand eight hundred and forty four, and shall be eligible to re-election.

Sec. 2. Be it further enacted, That it shall be the duty of the President of the Republic of Texas, when he issues his proclamation for the election of members of the eighth Congress, to require the Chief Justices of the several counties of the Republic to open the polls for the election of a Major General, who shall hold his office for the term of four years, and make returns thereof to the Secretary of State, and the person receiving the highest number of votes shall be commissioned in like manner as is provided for in the preceding section.

Sec. 3. Be it further enacted, That should a vacancy occur in the office of Major General, as provided for in the first section of this act, the duties of that office shall devolve upon and be discharged by the senior General of brigade, commanding Texas militia.

Sec. 4. Be it further enacted, That should the Major General of militia deem it expedient, he may at any time take the field, and command in his official capacity any number of troops: Provided, however, that he shall be entitled to receive no compensation, unless a thousand or more troops shall be in active service.

Sec. 5. Be it further enacted, That it shall be his duty forthwith to organize the militia throughout the Republic, in the following manner, viz: by dividing them into six classes, from one to six; and when so organized, he shall have power to call them into service, in the order in which they stand in said classification; and he shall immediately require six companies, of fifty-six men each, rank and file, from either of the classes organized as above, to act as piquets, or for such other service on the frontier as he may deem necessary; and the troops so raised shall elect

their company officers, and shall be commanded by two field officers, one Lieutenant Colonel and a Major, who shall be elected by the companies raised in virtue of the provisions of the sixth section of this act, at the place of rendezvous to be designated by the Major General.

Sec. 6. Be it further enacted, That it shall be the duty of the Major General to make the requisition for the first six companies from the third and fourth brigades, and shall serve for six months from the time they reach their respective places of rendezvous; and that the second six companies shall be drafted from the second and first brigades; Provided, that the captain's companies of the third and fourth brigades, which are situated on the immediate frontier, be, and are hereby exempt from the provisions of this section.

Sec. 7. Be it further enacted, That the Major General shall have power to appoint his general staff: and the Adjutant General shall keep his office at the seat of Government.

Sec. 8. Be it further enacted, That he shall be allowed to receive volunteers, in lieu of drafted men; but shall not draft or receive volunteers for a less term than six months, nor for a longer term than twelve months: Provided, always, that volunteers shall have the right of electing, in like manner, their company officers.

Sec. 9. Be it further enacted, That it shall be the duty of the Major General, when in the field, to make full and complete reports of his proceedings to the Secretary of War.

Sec. 10. Be it further enacted, That the Secretary of War be required to furnish the Major General with arms, munitions, and such other necessities as may be within his control, upon requisition made by that officer, for the public service.

Sec. 11. Be it further enacted, That every person refusing to obey a call made upon him or them, in virtue of the draft, as provided in this act, shall pay the sum of fifty dollars, to be made out of any property belonging to him or them, in the same manner as provided for by an act approved January twenty-fourth, one thousand eight hundred and thirty nine.

Sec. 12. Be it further enacted, That all troops, when in service, shall be under the same rules and regulations as if in the regular army of the Republic.

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

Sec. 14. Be it further enacted, That the Quarter Master, or Quarter Master General, before entering upon the discharge of the duties of his office, shall give bond, with sufficient personal security, to be approved by the Secretary of the Treasury, in the sum of twenty thousand dollars, payable to the President of the Republic of Texas, and his successors in office, conditioned for the faithful performance of the duties of the same; and that he be, and is hereby made the disbursing officer for the purposes mentioned in this act.

Sec. 15. Be it further enacted, That all officers and privates shall be allowed the same pay, as provided for by law in the dragoon and cavalry service of the Republic of Texas.

Sec. 16. Be it further enacted, That the companies raised by the provisions of this act, shall be stationed at or near the following places, viz: two companies at the crossing of the Presido road of the Leona river; two companies at the White House on the Nueces river; one company at Tumblinson's Block House; and the remaining company to be posted in the West, at the discretion of the commanding officer.

Sec. 17. Be it further enacted, That martial law shall be declared and enforced from the Rio Frio and Nueces rivers, to the Rio Grande, for and during the time hostilities may exist between the Republic of Texas and Mexico.

Sec. 18. Be it further enacted, That it shall, and is hereby made the duty of the President, to reserve and keep from circulation, of the fifty thousand dollars of Exchequer bills which, by the general appropriation bill, is the largest amount which at any time may be put in circulation, the sum of ten thousand dollars for military purposes, and to carry into effect the provisions of this bill.

Sec. 19. Be it further enacted, That the commanding officer shall not permit more than one subaltern, nor more than three privates from any one company, to absent themselves at the same time, nor for a longer time than three days, unless on special duty; and the commanding officer shall not absent himself for a longer time than three days, without permission from the Major General, or the Secretary of War.

Sec. 20. Be it further enacted, That the sum of fifty thousand dollars be, and the same is hereby appropriated, for the purpose of carrying out the provisions of this act; and that all laws and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Passed by a constitutional majority, 16th Jan., 1843.

AN ACT

To legalize the proceedings of the Fall term, one thousand eight hundred and forty two, of the District Court of Bexar County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the records of the District Court of said county of Bexar, at the fall term thereof, made and entered on the sixth to the ninth, inclusive, of September, one thousand eight hundred and forty-two be, and the same are hereby legalized in the same manner and form, as if the Judge of said Court had signed the same.

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

Passed, 16th Jan., 1843.

AN ACT

To amend the existing laws in relation to proceedings in Courts of Probate.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in no case shall any administrator, executor, or guardian, be required to sell any other property, than that of a perishable nature, belonging to the estate of any deceased person or ward, nor be required to render and settle their accounts, except upon application, by petition, of some creditor, or creditors, heir or heirs, legatee or legatees, or of some next friend of the ward, any law now in existence to the contrary notwithstanding.

Approved, 16th Jan., 1843.

AN ACT

For the relief of the purchasers of lots in the City of Austin,
and upon the City tract adjoining.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all purchasers of lots in the City of Austin, or of lots on the City tract of said City, or their assigns, who have not completed their payments for said lots, or any other of them, be, and are hereby allowed the additional term of twelve months, from and after the passage of this act, to complete said payments; and no lot, or out lot of said city shall be forfeited by reason of the non-payment of any instalment due thereon, until after the expiration of the said term of twelve months from and after the passage of this act.

Sec. 2. Be it further enacted, That all laws and parts of laws conflicting with this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved, 16th Jan., 1843.

AN ACT

Amendatory to an act, to establish and incorporate the College
of De Kalb.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the tenth section of "an act to establish and incorporate the college of De Kalb," be so altered and amended as to allow the four leagues of land granted to the said college, to be surveyed and patented in tracts not less than six hundred and forty acres: Provided, that the same be located within the Senatorial District in which De Kalb is situated, any thing in any law to the contrary notwithstanding; and that this act take effect from its passage.

Approved, 16th Jan., 1843.

JOINT RESOLUTION

To modify the provisions of an act, entitled an act granting land to Emigrants.

Whereas, by an act passed by the Congress of Texas, entitled, "an act granting land to emigrants," and bearing date the fourth day of February, 1841, a grant was made to Daniel Joseph Carroll, Henry J. Peters and others, their associates, therein named, for the introduction and settlement of emigrants within the territory of this Republic, and upon the terms and conditions therein provided; and whereas, by said act, the President of this Republic was authorized to make a contract with said Daniel J. Carroll, Henry J. Peters, and their associates aforesaid, collectively, in conformity with the provisions of the same; and whereas, in pursuance of such authority, the President did make a contract with the aforesaid grantees, which was duly executed in their behalf, by their attorney, Samuel Browning, and which bears date the thirtieth day of August, 1841; and whereas, the President did make a further contract with the same parties, which bears date the twentieth day of November, 1841; and whereas, the President did make a yet further contract with the same parties, through their attorney, Horace Burnham, which bears date the twenty sixth day of July, 1842, said last two contracts being supplementary to, and making one with the said first contract; and whereas, it is deemed expedient to modify some of the provisions of said act and contracts, and to extend some of the privileges therein granted; now, therefore:

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he hereby is authorised and required to make such modification of the aforesaid contracts, or such further contract or contracts, with the grantees named in the aforesaid act, or with their assigns or legal representatives, as shall be deemed by him for the benefit of this Republic, and as shall not be inconsistent with the provisions of the said act:

Provided, however, that he shall have full power and authority to extend the time to the grantees named in the aforesaid act, or to their assigns or legal representatives, for the introduction and settlement of emigrants in this Republic, to a period not exceeding five years from the first day of July next; and that he shall be authorized to prescribe the limits within which the grantees or their assigns or legal representatives shall be

permitted to introduce and settle any number of families, not exceeding ten thousand, within the whole time limited; that he shall be authorized to make the title and conveyance of each section of six hundred and forty acres of land, which has been or shall be acquired under any contract made or to be made, by the President of this Republic, with the grantees, or their assigns or legal representatives, to the said grantees or their assigns, or legal representatives direct: Provided, that said grantees, their assigns or legal representatives, shall survey the land assigned to them, as provided in the act aforesaid; and shall be required to settle or receive such lots only as are of fair quality for agricultural purposes, and not too far situated in the interior of a prairie for such purposes; and whenever they shall have completed the surveys of any number of sections, and built a corresponding number of small comfortable houses, or cabins of logs or other materials, thereon, and placed families therein, they shall receive a title from this Government to one section of six hundred and forty acres for each family so introduced and settled; and shall be required to immediately convey to the legal representative of said family, not less than one hundred and sixty, nor more than six hundred and forty acres of said land; conditioned that said family shall remain upon said land so conveyed, and enclose with fence and cultivate fifteen acres, for at least three years; and in default thereof, shall forfeit the same to this Republic:

Provided, further, that in the contract to be made by the President of this Republic with the said grantees, or with their assigns, or legal representatives, they shall be required to settle each year, within the territory prescribed, or to be prescribed to them, at least two hundred and fifty families, reckoning from and after the first day of July next, and including the families which shall then have been settled on the tract prescribed; and in default of introducing and settling such number of families, their contract shall be forfeited:

Provided, however, that they shall be allowed to introduce and settle any number of families, not exceeding ten thousand in all, on the same terms and conditions; and

Provided, further, that they shall be permitted to settle all the sections within any limits prescribed, or to be prescribed, and not located previous to the time of defining such limits; and that for every alternate section of six hundred and forty acres which shall be conveyed to them, they shall pay into the Treasury of this Republic twelve dollars in specie, on receiving the title from the Government; and

Provided, further, that in case of forfeiture, the party shall only be affected prospectively, any thing in the aforesaid act, or contracts, to the contrary notwithstanding:

Provided, further, that the Cherokee lands shall be exempt from the provisions of this act.

Approved, 16th Jan., 1843.

AN ACT

To organize the First, Second, Fourth, Fifth and Sixth Judicial Districts.

Section 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 first Judicial District of this Republic shall be composed of the counties of Galveston, Brazoria, Fort Bend, Austin and Matagorda; and the District Court for the county of Matagorda shall be holden on the first Mondays in March and September, and may continue two weeks; in the county of Brazoria, on the third Mondays in March and September, and may continue two weeks; in the county of Fort Bend, on the first Mondays after the fourth Mondays in March and September, and may continue one week; in the county of Austin, on the second Mondays after the fourth Mondays in March and September, and may continue one week; and in the county of Galveston, on the fourth Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 2. Be it further enacted, That the second Judicial District shall be composed of the counties of Colorado, Gonzales, Bexar, Jackson and Victoria, and that the District Courts shall be holden in Colorado county, on the first Mondays in March and September, and may continue one week; in Gonzales county, on the second Mondays in March and September, and may continue one week; in the county of Bexar on the third Mondays in March and September, and may continue one week; in the county of Jackson, on the first Mondays after the fourth Mondays in March and September, and may continue one week; and in the county of Victoria, on the second Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 3. Be it further enacted, That the fourth Judicial District shall be composed of the counties of Goliad, Refugio and San Patricio, and the District Courts shall be holden as now provided by law.

Sec. 4. Be it further enacted, That the sixth Judicial District shall be composed of the counties of Jefferson, Liberty, Montgomery and Harris, and the District Courts shall be holden in Jefferson county on the first Mondays in March and September, and may continue one week; in Liberty on the second Mondays in March and September, and may continue two weeks; in Montgomery, on the fourth Mondays in March and September, and may continue two weeks; in Harris, on the second Mondays after the fourth Mondays of March and September, and may continue until the business is disposed of.

Sec. 5. Be it further enacted, That hereafter the counties of Jasper, Sabine, San Augustine, Shelby, Nacogdoches, Rusk and Houston, shall compose the fifth Judicial District, and the District Courts for the county of Jasper, shall commence its sessions on the second Mondays in March and September, in each and every year, and may continue its sessions one week; in the county of Sabine, on the third Mondays in March and September, and may continue its sessions one week; in the county of San Augustine, on the fourth Mondays in March and September, and may continue its sessions three weeks; in the county of Shelby, on the third Mondays after the fourth Mondays in March and September, and may continue its sessions two weeks; in the county of Nacogdoches, as heretofore, on the first Mondays in May and November, and may continue in session three weeks; in the county of Rusk, on the fourth Mondays in May and November, and may continue in session one week; in the county of Houston, as heretofore, on the first Mondays after the fourth Mondays in May and November, and may continue its sessions until the business is disposed of.

Sec. 6. Be it further enacted, That writs, petitions, or any other process or proceedings, returnable at any other time, or to any other time, or to any other district than such as is fixed by this law, shall be returnable, and triable at the time and within the district established by this act.

Approved, 16th Jan., 1843.

AN ACT

To exempt from execution and forced sale, the property of certain persons.

Section 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 property of all such persons as are now in the army of Texas, or as may hereafter be mustered into the service of the Republic, by virtue of the law of the land, shall not be liable to forced sales, so long as he or they may remain in said service.

Approved, 16th Jan., 1843.

AN ACT

To extend to the Chief Justice and associate Justices, the authority to issue certificates of Head-rights to Emigrants.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Chief Justice and associate justices shall constitute a board of commissioners for their respective counties, who shall be authorized to issue unconditional and conditional certificates for head-rights to lands, to all citizens of the second, third and fourth classes, who arrived in the country previous to the first day of January, one thousand eight hundred and forty two, who shall have resided in the Republic three years, in conformity to the laws under which they emigrated.

Sec. 2. Be it further enacted, That the said board of commissioners shall be, and they are hereby authorized to continue to issue unconditional certificates to emigrants and citizens, as provided by an act, approved January the fifteenth, one thousand eight hundred and forty one, that expired by its own limitation on the first day of October, one thousand eight hundred and forty-one.

Sec. 3. Be it further enacted, That the party claiming shall pay for each certificate the sum of two dollars, which shall be equally divided between the clerk and the commissioners present.

Approved, 16th Jan., 1843.

AN ACT

For the relief of the Texian prisoners captured by the Mexicans, during the year one thousand eight hundred and forty-two.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons who were captured and made prisoners during the campaign of General Woll, in September last, be, and they are hereby exempt from paying taxes for the year (A. D.) one thousand eight hundred and forty two, and as long thereafter as they shall remain prisoners of war; and that the provisions of this act shall extend to Jose Antonio Navarro.

Sec. 2. Be it further enacted, That the estates of all those who were slain under the command of Captain N. M. Dawson, near the Salado, on the eighteenth of September last, be included in this act; and also all those who were slain in the county of Bexar, from the eleventh to the nineteenth of September; and where returns have been made by the assessor to the different sheriffs, upon satisfactory evidence being given to said sheriff of the party having fallen in that unfortunate massacre, or taken prisoner as before mentioned, he, the sheriff, shall return under his hand and seal to the Treasury Department, a list of all such, with the amounts due, and the same shall be filed, with a copy of this act, in said Department, for the exemption of the said dues for the year (A. D.) one thousand eight hundred and forty two.

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

Approved, 16th Jan., 1843.

AN ACT

Legalizing the location of the County Site of Fannin County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the location of a county site for the county of Fannin, as made by the commissioners elected for that purpose by the citizens of said county, in October last, be, and the same is hereby declared to be the county site of said county, to be known and called by the name of Bois d'Arc.

Sec. 2. Be it further enacted, That the records of the Probate, County and District Courts of said county be, by their respective clerks, immediately removed to said site.

Sec. 3. Be it further enacted, That the Post Office at Fort English be removed to Bois d'Arc, and bear the name of Bois d'Arc Post Office.

Approved, 16th Jan., 1843.

AN ACT

Supplementary to an act, entitled an act to divide the County of Red river, and to create and establish the Counties of Bowie and Lamar.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the second section of the above recited act, to which this is a supplement, be so amended, that all the territory comprehended within the following limits: Beginning on Red River, at Hugh B. Shaw's ferry; running from thence due South, to the Southern boundary line of old Red River county; thence East, with said line, to Ferry Lake or lake Soda; and with said lake or lakes to the boundary line between the United States and Texas; thence with said line, North to Red River, and up said river with its meanders, to the place of beginning, be, and the same is hereby taken from the county of old Red River, and created a new county, to be called the county of Bowie.

Sec. 2. Be it further enacted, That the county seat of Bowie county, shall be and remain within five miles of the centre of the territory lying between Red River and the Sulphur Fork, which shall be the county seat of all the territory of Bowie county; and all that portion of said territory belonging to Bowie, South of the Sulphur Fork shall vote with, and in every other respect be subject to the jurisdiction of Bowie county.

Sec. 2. Be it further enacted, That the third section of the above recited act, to which this is a supplement, be so construed, that the boundary line between Red River and Lamar shall be continued on from the Big or main Sulphur, to the Southern boundary of old Red River county, and thence on as

described in said section; and all that portion of the territory of Lamar, lying south of the Sulphur Fork, shall vote with and be under the jurisdiction of Lamar county.

Sec. 4. Be it further enacted, That the county surveyors of the counties of Bowie and Lamar; shall complete the running and marking of the boundary lines between those counties and the county of Red River, as above recited; for which they shall receive a compensation equal to that allowed other surveyors; one-third to be paid by the county of Red River on both lines, and the balance by the counties of Bowie and Lamar.

Sec. 5. Be it further enacted, That the clerks of the District and County Courts, and the county surveyor of Red River county, are hereby required to transmit all the documents and papers of every description, which belong within the territories of Bowie and Lamar, to their respective counties; and any jurisdiction which the counties of Bowie and Lamar may have heretofore exercised over that portion of their territory, as designated South of the Sulphur Fork, shall be considered valid and binding, any law to the contrary notwithstanding; and that this act take effect from and after its passage.

- Approved, 16th Jan., 1843.

AN ACT

To alter the time of holding the District Courts in the Seventh Judicial District of the Republic of Texas, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the District Courts in the seventh Judicial District shall be holden as follows; viz: in the county of Fannin, on the first Mondays in March and September, and may continue one week; in the county of Lamar, on the second Mondays in March and September, and shall continue one week; in the county of Red River, on the third Mondays in March and September, and may continue two weeks; in the county of Bowie, on the first Mondays after the fourth Mondays in March and September, and may continue

one week; and in the county of Harrison, on the second Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

Sec. 2. Be it further enacted, That all writs, process, and other proceedings heretofore issued and had in and from the District of the several counties above named, which were returnable at the time heretofore fixed by law, shall be, and they are hereby made returnable to the said District Courts, to be held in accordance with the provisions of this act; and all parties, witnesses and jurors, are required to be in attendance as though heretofore regularly summoned.

Sec. 3. Be it further enacted, That the honorable John T. Mills, Judge of the seventh Judicial District, have leave of absence from this Republic, during the summer vacation of the District Courts in his District for the year, (Anno Domini,) one thousand eight hundred and forty three.

Approved, 16th Jan., 1843.

AN ACT

Creating the County of Rusk.

Section 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 county now included in the county of Nacogdoches, within the following limits, viz: 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); hence due North to the Sabine river; thence down the Sabine river to the crossing of Trammel's trace, South and West, to where said trace crosses the West boundary line of J. W. Adams' league; thence due South to the Attoyac; thence with the meanders of said Attoyac, to the place of beginning, be, and the same is hereby constituted a county.

Sec. 2. Be it further enacted, That the above described county shall be known and styled by the name of Rusk county; and that the first Monday in March next is hereby set apart 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 "Henderson"; and all voters, qualified to vote for members of Congress, shall be entitled to vote for said commissioners; and it shall be, and is hereby made the duty of the said commissioners, to select said site within five miles of the center of said county.

Sec. 3. Be it further enacted, That the commissioners, so selected, 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 Rusk be attached to, and form a part of the fifth Judicial District of this Republic; and all causes now pending in the county, of which said county is formed, in which the defendants reside in said county, shall be transferred to said county, for trial and adjudication.

Sec. 5. Be it further enacted, That on the first Monday in March next, any two Justices of the Peace, in said Rusk county, shall be authorized to hold an election for all county officers, in accordance with the laws now in force, regulating elections; and shall make their returns to the Secretary of State in twenty days from the time of such election.

Sec. 6. Be it further enacted, That the Probate Judge, and all county officers, of said county, shall immediately enter upon the discharge of the duties of his office, under the authority of a certificate of election, until his commission shall issue from the State Department.

Sec. 7. Be it further enacted, That the Probate Judge shall immediately lay off said county into a convenient number of beats, and cause elections to be held immediately therein for Justices of the Peace and Constables; said elections to be held by any two freeholders of the beat; the returns of said elections to be made within twenty days to the State Department.

Sec. 8. Be it further enacted, That the time of holding the inferior courts for said county, shall be on the fourth Mondays of January, April, July and October of each year; and that the time of holding the District Court of said county shall be on the — day of — in each year.

Sec. 9. Be it further enacted, That the said county of Rusk

shall hereafter be entitled to one representative in Congress; who shall be elected at the same time, and in the same manner, that such representatives are elected in other counties of this Republic; and the voters of said county shall vote for a Senator as heretofore, and returns thereof shall be made to the county of Nacogdoches; and that Nacogdoches county shall hereafter be entitled to one representative in Congress; and that this act take effect from and after its passage.

Approved, 16th Jan., 1843.

AN ACT

Concerning Rents.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons granting a lease of lands or tenements, either at will or for a term, shall have a lien upon all the property of the tenant upon such premises, for the payment of the rents becoming due under such lease, whether the same is to be paid in money, cotton, corn, or whatever else may be raised upon the rented premises; and in case where the rent is to be paid in corn, cotton, or other articles raised upon the rented premises, it shall not be lawful for such tenant to remove off the premises any of such corn, cotton or other article, in which such rent is to be paid; and such lien shall continue and be in force so long as such tenant shall occupy the rented premises, and for three months thereafter: Provided, however, that such lien shall not attach to any property for more than three months after the same shall be removed off the rented premises; nor to any goods, wares, and merchandize of a merchant or trader, after the same shall be sold in good faith and removed from the premises.

Sec. 2. Be it further enacted, That when any rent shall become due, or the tenant about to remove from such rented premises, or remove his property from such rented premises, it shall be lawful for the person to whom the rent is payable, his agent, attorney or assigns, to apply to any Justice of the Peace, in the county where the premises is situated, for a distress warrant, to seize the property of such tenant: Provided, such plaintiff, his agent, or attorney, shall make oath that the amount sued for is for rent; or shall produce a writing

from such tenant to that effect; and it shall be the duty of such Justice to issue his warrant of distress to the proper officer, commanding him to seize the property of the defendant, or so much thereof as will satisfy the demand; which warrant shall be, if the sum is not more than one hundred dollars, returnable to said Justice, or to some Justice of the county; but if more than one hundred dollars, the warrant shall be returnable to the District Court; in which case it shall be the duty of the Justice to transmit all the papers of said cause to the District Court, on or before the first day of the next term thereof.

Sec. 3. Be it further enacted, That it shall be the duty of the officer to whom such warrant is directed, to seize the property of such tenant, or so much thereof as shall be of value sufficient to satisfy such debt and cost; and the same in his possession safely keep, (unless the defendant will replevy the same,) and make due return thereof to the Court in which such warrant is returnable, at the next term thereof: Provided, that if the property is of a perishable or wasting kind, the Sheriff or other officer, or the plaintiff, or the defendant, may apply to the Justice issuing the warrant, or any other Justice, for an order to sell such property.

Sec. 4. Be it further enacted, That it shall be lawful for the plaintiff, at the return of such warrant, to proceed to judgment, as in ordinary cases; Provided, that in case the return is to be made to the District Court, the plaintiff shall not be obliged to file his petition before the suing out of such warrant: and Provided further, no other formalities shall be required than those mentioned in this act; and in case the defendant does not apply, the plaintiff may apply to the Court where such judgment was rendered for an order of sale; which sale shall be conducted as sales under execution.

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

Approved, 16th Jan., 1843.

AN ACT

To prescribe the manner in which suits shall be tried, in which the District Judges may be interested.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, it shall be the duty of any one of the District Judges of the Republic of Texas, to change the venue upon the motion of any practising attorney, in any case in which said Judge may be interested, from the county in which he may be presiding, to the nearest adjoining county, out of his District, any law to the contrary notwithstanding.

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

Approved, 16th Jan., 1843.

AN ACT

To amend the several laws, regulating the Post Office Department.

Section 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 be charged on all letters, newspapers, pamphlets and packages (except such as are authorized by law to be conveyed free of postage,) conveyed by the public mails.

For each letter, composed of a single piece of paper, and conveyed not exceeding fifty miles, twelve and a half cents.

Over fifty, and not exceeding one hundred miles, twenty-five cents.

Over one hundred, and not exceeding two hundred miles, thirty seven and a half cents.

Over two hundred miles, fifty cents.

For each letter, composed of two pieces of paper, double the above rates of postage.

For each letter, composed of three pieces of paper, treble the above rates of postage, &c.

For each letter or package, made up and sealed in letter form, whether composed of one or more pieces of paper, and weighing

one ounce, and less than two ounces, conveyed not exceeding fifty miles, quadruple the rate of a single letter for that distance; when conveyed over fifty miles, and not exceeding one hundred, or over one hundred, and not exceeding two hundred miles, or over two hundred miles, quadruple the rates of single letters for these distances.

For each letter or package, made up and sealed in letter form, whether composed of one or more pieces of paper, and weighing two ounces, and less than three ounces, and conveyed not exceeding fifty miles, sextuple the rate of a single letter for that distance, and so on in like proportion.

On each ship letter, there shall be charged an additional postage of twelve and a half cents.

On letters lodged for delivery, twelve and a half cents.

On way letters, there shall be charged an additional postage of twelve and a half cents, in stead of the postage heretofore designated by law.

On each newspaper, conveyed not exceeding one hundred and fifty miles, two cents; over one hundred and fifty miles, three cents.

On all books, or pamphlets, for each sheet, the same as newspaper postage.

Sec. 2. Be it further enacted, That, in payment of postage, the Exchequer bills of the Government be receivable at par.

Sec. 3. Be it further enacted, That this act shall take effect from and after the thirty-first day of March, one thousand eight hundred and forty-three.

Sec. 4. Be it further enacted, That all laws and parts of laws, contrary to, or conflicting with this act, be, and the same are hereby repealed.

Approved, 16th Jan., 1843.

AN ACT

Authorizing an additional compensation to be paid to certain officers of the Civil List.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the heads of Bureaux, and clerks of the various Departments, Bureaux and offices of Government (the clerks of Custom Houses excepted) shall, for the year eighteen hundred and

forty three, be allowed, each, the sum of twelve dollars and fifty cents per month, in addition to the salaries now allowed by law; and that a sufficient amount of Exchequer bills be, and the same are hereby appropriated to carry into effect the provisions of this act.

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

Approved, 16th Jan., 1843.

AN ACT

To authorize the President to accept the services of one company of mounted men, to act as spies on the South Western frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized to accept of the services of one company of mounted men, to act as spies on the South Western frontier, until the provisions of an act, entitled "an act to provide for the protection of the Western and South Western frontier, and for other purposes," can be carried into effect.

Sec. 2. Be it further enacted, That the sum of five hundred dollars be, and is hereby appropriated to carry out the provisions of this bill.

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

Approved, 16th Jan., 1843.

AN ACT

For organizing the Militia of the Counties of Robertson and Brazos.

Section. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the militia of the counties of Robertson and Brazos shall

hereafter constitute and compose one regiment, to belong to the second brigade, and to be styled the ——— regiment of the second brigade.

Sec. 2. Be it further enacted, That the militia of the counties of Robertson and Brazos shall, each, constitute a battalion, and shall, respectively, be styled, the first and second battalions of said regiment.

Sec. 3. Be it further enacted, That the said regiment shall be commanded by a Colonel, Lieutenant-Colonel, and Major; the Colonel and Major to be elected by the militia of Robertson county, and the Lieutenant Colonel to be elected by the militia of Brazos county.

Sec. 4. Be it further enacted, That the militia of Robertson county shall be commanded by the Colonel, and the militia of Brazos county shall be commanded by the Lieutenant-Colonel.

Sec. 5. Be it further enacted, That the elections for the officers contemplated in this act, shall take place on the first Monday in February next; and the Chief Justices of Robertson and Brazos counties, respectively, are hereby required to issue the necessary writs of election.

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

Approved, 16th Jan., 1842.

AN ACT

To repeal in part, an act approved July 23d, 1842, entitled, 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 from and after the passage of this act, the act, approved the 23d July, 1842, entitled "an act to regulate the collection of impost duties," be, and the same is hereby repealed, so far as the provisions of the same in any wise relate to the direct tax and postage.

Approved, 16th Jan., 1843.

AN ACT

To amend the several laws regulating the Post Office Department.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the twenty-sixth section of the act, entitled "an act to amend and to reduce into one the several laws regulating the Post Office Department," approved February 6th, 1840, and all other enactments providing for the franking privilege, be, and the same are hereby repealed; and that from and after the passage of this act, all letters and packages to and from the following officers of this Republic, and none others, shall be conveyed by post free of postage,—that is to say—

1. President of the Republic.
2. Vice-President of the Republic.
3. Secretary of State.
4. Secretary of Treasury.
5. Secretary of War and Navy.
6. Attorney General.
7. Treasurer.
8. Chief Clerk of the Bureau of the General Post Office.

9. Members of both branches of Congress, during the time of their session, and for thirty days thereafter: Provided, nevertheless, that no letter or package from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or package.

Sec. 2. Be it further enacted, That every printer of a newspaper in Texas, may send one paper to each and every other printer of a newspaper in Texas; may send to, and receive from, printers of newspapers in foreign countries, any number of newspapers, not exceeding ten, free of postage; under such regulations as the Secretary of State may prescribe; and that all former laws, in any wise conflicting with the provisions of this section, be, and the same are hereby repealed.

Sec. 3. Be it further enacted, That it shall not be lawful for the Secretary of State, in advertising proposals for carrying the mail, to have such advertisements inserted more than three times, in any one newspaper, unless the same may be done without cost to the Government.

Sec. 4. Be it further enacted, That Post Masters are hereby authorized to frank letters, or receive letters, or newspapers free

of postage: Provided, that any one who shall frank a letter, not written by himself, shall be removed from office, and liable to a fine of ten dollars, for each and every offence, to be recovered before any Justice of the Peace: and any letter, or news paper, sent to such Post Master, being intended for other persons, shall pay double postage.

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

Approved, 16th Jan., 1843.

AN ACT

To provide for the more certain collection of License Taxes.

Section 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, those persons who desire to pursue any vocation upon which, by the existing law, a license tax is levied, shall pay to the Treasurer of the County, the amount of money due for such license; and on presenting the Treasurer's receipt, stating distinctly the vocation to be pursued, to the Clerk of the County Court, he shall issue the corresponding license.

Sec. 2. Be it further enacted, That if any person shall engage in any vocation, which, by existing law, is subject to a license tax, without having first obtained said license, he shall be liable to pay one fourth of the amount of the annual license tax, for each and every week he, or she may be thus engaged; and in the same proportion for each day, to be recovered before any Justice of the Peace, or District Court, according to the amount; one fourth part of which shall be paid to the informer or prosecutor, one fourth to the County Treasury, and the balance to the Republic.

Sec. 3. Be it further enacted, That whenever information is lodged before any Justice of the Peace, on oath or affirmation, stating that there is good reason to believe that any person, or persons, have been guilty of a violation of this law, such Justice shall issue a warrant against the person, or persons, complained of, notifying him or them, to appear before him forthwith, or in such time as the Justice may think proper;

and shew cause, if any, he or they have, why judgment should not be rendered against him or them, for the penalties incurred by this act; and if found to be guilty, judgment shall be rendered for the penalty and costs; upon which execution may immediately issue: Provided, that either party may appeal to the District Court, as in other cases.

Sec. 4. Be it further enacted, That where any person may desire to obtain a license for a shorter period than one year, (and not less than four months,) the Treasurer may receive the amount which would be due for the time, adding thereto fifteen per cent.; and on his receipt, the Clerk will issue a license for the time, corresponding with the amount which has been paid.

Sec. 5. Be it further enacted, That in no case shall the offices of County Clerk and Treasurer be vested in one person; and if in any case any person may now be holding both of these offices, he shall no longer be Treasurer, and shall immediately account with his successor for all moneys received by him.

Sec. 6. Be it further enacted, That all laws contrary to, or conflicting with this act, are hereby repealed.

Approved, 16th Jan., 1843.

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 Seventh Congress of said Republic, adjourned on the sixteenth day of January A. D. one thousand eight hundred and forty three.

Given under my hand and seal of office, at Wash-
[L. s.] ington, the eighteenth day of January, A. D. one
thousand eight hundred and forty three.

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.”

INDEX.

A

ADJUTANT GENERAL—where office to be kept, 27.

ADMINISTRATION—not to be granted to Sheriffs or Justices of the Peace, 14.

ADMINISTRATORS—not required to settle their accounts, except upon petition of creditor or representative, 29.

AGENTS, INDIAN—(See Indians.)

APPRAISERS — appointment, 14; compensation, 14.

APPROPRIATIONS—pay of members of Congress, 5, 8, 21; Chief Clerk, 8, 10; President, 8; Vice President, 8; President's Private Secretary, 8; Secretary of State, 8; Secretary of Treasury, 8; Comptroller, 8; Treasurer, 8; Auditor, 9; Secretary of War and Marine, 9; Attorney General, 9; Commissioner of General Land Office, 9; Draftsman, 9; Clerks in various departments and offices, 9, 44; Charges d'Afaires, 9; Secretary of Legation, 9; Captain of Ordnance, 9; Armorer, 9; laborers in armory, 9; Chief Justice and associate Judges, 9; Clerk of Supreme Court, 9; Joseph Cecil, 10; contingent expenses of Congress, 4, 8; Executive Department, 8; State Department, 8; Post Office Bureau, 8; Treasury Department, 8, 20; Comptroller's Office, 8, 20; Treasurer's Office, 9; Auditor's Office, 9; War Department, 9; Attorney General's office, 9; General Land Office, 9; Legation, 9; Ordnance Department, 9; Supreme Court, 9; hire of porters, 8; mail transportation 8, 20; relief of George S. McIntosh, 9; Indian purposes, 6, 9; printing, 9, 20; unexpended balances, 10; officers of Congress, 10; coast defence, 17, 18; engraving and signing Exchequer bills, 20; frontier protection, 28; spy company, 45.

ARDENT SPIRITS — introduction

among Indians prohibited, 24; penalty therefor, 24.

ASSESSORS OF TAXES—how paid, 13; when to make returns, 13.

AUSTIN CITY—purchasers of lots allowed further time for payment, 30.

B

BALANCES, UNEXPENDED — transferred, 10.

BEXAR COUNTY—election of officers, 7; John McMullen to perform duties of Chief Justice, 7; records of District Court legalized, 29.

BOIS D'ARC—county site of Fannin, 36.

BOWIE COUNTY—certain papers to be transmitted to, 3, 38; limits defined, 37; county site, 37; jurisdiction, 37, 38; boundary line to be surveyed, 38.

BRAZORIA COUNTY—County Court may levy a tax for certain purposes, 15; may lease public ferries, 19.

BRAZOS COUNTY—militia, how organized, 45, 46.

BRAZOS RIVER — protection of mouth, 17.

BUREAU OF INDIAN AFFAIRS—established, 22.

C

CANEY NAVIGATION COMPANY—(See Matagorda Caney Navigation Company.)

CECIL, JOSEPH—pension, 10.

CHEROKEE LANDS—reserved from colonization, 35.

CHIEF JUSTICES—may, with associates, issue certificates of headright, 35; fees for same, 35.

CLERKS OF GOVERNMENT—additional compensation, 44.

COLLEGE OF DE KALB—lands, how surveyed, 30.

COLONIZATION—(See contracts for Introduction of Emigrants.)

COMMISSIONERS OF PARTITION—compensation, 14.

CONGRESS—contingent expenses, 4,

8; pay of members, 5, 8, 21; Chief Clerk of House, 8, 10; officers, 10.

CONTRACTS FOR INTRODUCTION OF EMIGRANTS—acts relating to W. S. Peters and others, and their contracts with President, recited, 31; President may modify and make new contracts, 31; may extend time to five years, 31; may designate boundaries, 31; may allow introduction of ten thousand families, 32; may make title 32; contractor shall survey lands, 32; what lands required to be settled, 32; improvements required, 32; contractors to make conveyance to emigrants, 32; to settle two hundred and fifty families yearly, 32; forfeiture, 32, 33; alternate sections, 32; Cherokee lands exempt, 33.

COUNTY CLERK AND TREASURER—offices not to be held by the same person, 49.

COURTS, CHANCERY—sales by decree, 21; appraisement, 21; notice, 21.

COURTS, DISTRICT — (See Dis't Courts.)

COURTS, JUSTICES—law regulating proceedings, amended, 12.

COURTS, PROBATE — (See Probate Courts.)

D

DIRECT TAX—(See Taxes.)

DISTRICT COURTS—when holden in 1st., 2nd., 4th., 5th., and 6th., Districts, 33, 34; when holden in 7th., District, 38; process, when and where returnable, 34, 39.

DISTRICT JUDGES — may change venue, in certain cases, 43.

DISTRICTS, JUDICIAL—(See Judicial Districts.)

DRAFT—penalty for refusal to obey, 27.

DUES, GOVERNMENT—on lands, further time granted for payment, 5.

E

ELECTION—in Bexar county, 7; of Major General, 26.

EMIGRANTS—certificates for head-right, 35; (See contracts for Introduction of Emigrants.)

EXCHEQUER BILLS — to be issued after 1st. March, 1843, in certain denominations, 10; not more than fifty thousand dollars to be in circulation at any one time, 10; en-

graving and signing, 20; receivable at par for postage, 44, 46; for direct tax, 46.

EXECUTION—act of 1842 amended, 7; provisions of 17, 18, and 19 sections of said act made applicable to debts contracted prior to 1st. May, 1842, 7; certain property exempt, 35.

EXECUTORS—not required to settle their accounts, except upon petition of creditor or representative, 29.

F

FANNIN COUNTY—location of county site legalized, 36; naming of site, 36; records of courts to be removed, 37; Post Office, 37.

FEES—commissioners of partition, 14; appraisers, 14; head-right, 35.

FERRIES, PUBLIC—in Galveston and Brazoria counties, 19.

FIELD NOTES—further time granted for return, 5.

FRANKING PRIVILEGE — regulated, 47.

FRONTIER PROTECTION—volunteers and drafted militia, 27, 28; army regulations to govern troops, 27; spoil, how divided, 27; pay of troops, 28; stations, 28; martial law, 28; appropriation, 28. (See Major General.)

G

GALVESTON—protection of harbor, 17, 18; county court may license public ferries, 19.

GALVESTON ORPHAN'S FRIEND SOCIETY—established, 18; privileges, 18.

GOVERNMENT DUES—on lands, further time granted for payment, 5.

GUARDIANS—not required to settle their accounts, except upon petition of creditor or representative, 29.

H

HENDERSON—county site of Rusk, 40.

I

INDIANS — prisoners, 6, 25; appropriation, 9; Bureau established, 22; interpreters, 22; agents, 22; superintendent, 23; oath of office, 23; reports, 23; trading-houses, 23; trader's license, 23; penalty for trading without license, 23; agent not to trade without special

authority, 23; invoices, 24; trade within settlements forbid, except by special authority, 24; property, how restored, 24; warlike stores, 24; introduction of ardent spirits forbid, 24; penalty for introducing the same, 24; intercourse regulated, 24, 25; penalty for breach of peace and other offenses, 25; President's powers, 25; mines, 25; grades in council regulated, 25.

INTERPRETERS—appointment and salary, 22.

INTESTATES' ESTATES—except perishable property, not to be sold, unless upon petition of creditor or representative, 29.

J

JUDICIAL DISTRICTS—1st, 2d, 4th, 5th and 6th reorganized, 33, 34.

JUSTICES COURTS—proceedings regulated, 12; former laws amended, 12.

JUSTICES OF THE PEACE—right to administer taken away, 14; may issue distress warrants, 41, 42.

L

LAMAR COUNTY—certain papers to be transmitted to, 3, 38; Southern boundary designated, 3; county site to be selected, and duties of commissioners in relation thereto, 4; certain boundary line defined, 37; jurisdiction, 38; boundary line to be surveyed, 38.

LAND CLAIMS—time within which certain suits may be commenced, limited, 19.

LICENSE TAX—collection, 48, 49; penalty for non-payment, 48, 49; may be charged for a less period than one year, 49.

LIEN—for payment of rents, 41.

M

MAILS—appropriation for transporting, 8, 20; routes designated, 11; to be carried weekly, 12.

MAJOR GENERAL—how elected, 26; duration of office, 26; vacancy, how supplied, 26; when he may take the field, 26; compensation, 26; to organize militia, 26; when and how he shall call militia into service, 26; to designate rendezvous, 27; may appoint general staff, 27; may receive volunteers,

27; certain companies exempt from draft, 27; shall report to Secretary of War, 27; may require arms, &c., from Secretary of War, 27; absentees from army, 28.

MATAGORDA CANEY NAVIGATION COMPANY—incorporated, 15; privileges, 15; stock books to be opened, 15; election of officers, 15; collection of installments, 16; sale of stock, 16; rights of navigation, 16; damages, 16; tolls, 16; right of county to purchase, 16, 17; duration of charter, 16, 17; not to exercise banking privileges, 17; government vessels not to be charged tolls, 17; completion of work, 17.

MATAGORDA BAY—protection, 17.

MCINTOSH, GEORGE S.—relief, 9.

McMULLEN, JOHN—to perform duties of Chief Justice for Bexar county, 7.

MILITIA—may be called into service by Major General, 26; certain companies exempt from draft, 27; of Robertson and Brazos counties, how organized, 45, 46.

N

NACOGDOCHES COUNTY—divided, 39; representation, 40, 41.

NAVARRO, JOSE ANTONIO—relief, 36.

NAVIGATION COMPANY—(See Matagorda Caney Navigation Company.)

O

ORPHAN'S FRIEND SOCIETY—(See Galveston Orphan's Friend Society.)

P

PARTITION—compensation of commissioners, 14.

PATENTS—act in relation to land certificates, &c., amended, 19.

PENSION—Joseph Cecil, 10.

POSTAGE—regulated, 43; receivable in Exchequer bills at par, 44, 46.

POST OFFICE—at Fort English, removed to Bois d'Arc, 37.

PRESIDENT—duty and authority in relation to coast protection, 18; in relation to Indians, 22, 23, 24.

PRINTING—laws and journals, 9; for Comptroller's office, 20.

PRISONERS—Indian, to be conveyed to Waco Village, 6; to be reclaimed, and how, 6; to be clothed, 6; ap-

propriation, 6; captured by Mexicans, exempt from taxation, 36.
PRIVATE SECRETARY TO PRESIDENT—additional compensation, 44.
PROBATE COURTS—a certain portion of intestates' estate exempt from sale, 14; duty of court in relation thereto, 14; sales by order, 21; appraisement, 21; notice of sale, 21; law regulating proceedings amended, 29.
PROPERTY—of intestates, a certain portion exempt from sale, 14; except perishable, not to be sold but upon petition of creditor or representative, 29; of persons in actual service, exempt from forced sale, 35; may be seized for rent, 42.
PROTECTION—of coast, 17, 18; of frontier, 26, 27, 28, 45.

Q

QUARTER MASTER GENERAL—bond, 28; to be disbursing officer, 28.

R

RED RIVER COUNTY—Clerk to transmit certain papers, 3; certain boundary to be defined, 37.
RELIEF—of George S. McIntosh, 9; Jose Antonio Navarro, 36; persons captured by Mexicans, 36; persons slain under Capt. Dawson, and in county of Bexar, 36.
RENTS—collection, 41, 42.
ROBERTSON COUNTY—militia, how organized, 45, 46.
RUSK COUNTY—established, 39; limits defined, 39; county site, 40; donations, 40; attached to 5th Judicial District, 40; causes transferred, 40; election, 40; officers, when to enter upon their duties, 40; beats, 40; time of holding inferior courts, 40; representation, 41.

S

SALES—certain property of intestates exempt, 14; to be sold only upon petition of creditor or representative, 29; property of persons in actual service exempt, 35; for rent, 42.
SEA-COAST—appropriation for defence, 17; Galveston, 17; mouth of the Brazos, 17; Matagorda bay, 17; squad of men, 18; duty of President, 18.
SECRETARY OF TREASURY—to issue Exchequer bills, 10; to draw in favor of assessors of taxes, 13.
SHERIFF—to pay assessors of taxes, 13; when returns of assessment shall be made to him, 13; right to administer taken away, 14.
SPY COMPANY—services to be accepted, 45; appropriation, 45.
SUPERINTENDENT—(See Indians).

T

TAXES—assessors, how paid, 13; when assessment to be returned, 13; County Court of Brazoria may levy for certain purposes, 15; prisoners captured by Mexicans, and those slain under Capt. Dawson, and in county of Bexar, exempt from payment, 36; Exchequer bills receivable at par for direct, 46.
TESTATOR—May make certain provisions by will, 14.

V

VACANCY—in office of Major General, how supplied, 26.
VENUE—may be changed in certain cases, 43.

W

WILLS—may embrace certain provisions, 14.

ABSTRACT
OF
PRIVATE ACTS AND JOINT RESOLUTIONS

PASSED BY THE SEVENTH CONGRESS.

A

“An act for the relief of William Ashworth, and others,” passed January 16th, 1843—directs the Commissioner of the General Land Office to issue patents, on certain conditions, to William Ashworth, Abner Ashworth, Aaron Ashworth, the heirs of Moses Ashworth, deceased, Henry Bird, John Bird and Aaron Nelson.

B

“A Joint resolution for the relief of William Bryan,” approved January 16th, 1843—directs the Auditor to audit the claims of said Bryan, for \$21,859 71; one fourth part thereof to be paid on the first day of January, 1845, one fourth on the first day of January, 1846, one fourth on the first day of January, 1847, and one fourth on the first day of January, 1848; and to issue to him corresponding drafts, in convenient amounts, receivable, when due, for all dues to the Government; and repeals the appropriation, in favor of said Bryan, made at the regular session of the sixth Congress.

C

“An act to authorize the Court of Probate of any county to open the succession of John R. Cunningham,” deceased, approved January 3d, 1843—empowers the Probate Court of any county in the Republic to grant letters of administration upon the estate of the said deceased.

D

"An act for the relief of Winchester Doyle, Jackson Doyle, and Muscogee Doyle, children of Nimrod Doyle," approved January 16th, 1843—invests the said children with all the rights and privileges of free citizens of the Republic.

F

"Joint resolution, repealing a part of a joint resolution for the honorable discharge of Doctor Edmund J. Felder," approved 18th January, 1842—repeals the proviso contained in said resolution.

H

"A Joint resolution for the relief of J. Pinckney Henderson," approved January 3d, 1843—directs the Auditor to audit the claim of said Henderson, for \$7,461, receivable for direct taxes.

"A joint resolution for the relief of Samuel Hughes, E. H. Campbell and James Moore," passed January 4th, 1843--directs the Commissioner of the General Land Office to issue to them, upon certain conditions, a patent for a league and labor of land each.

J

"An act for the relief of William J. Jones," passed December 27th, 1842—directs the Auditor to settle the accounts of said Jones, as Pay-master of the first Regiment of the second Brigade of Texas militia, upon equitable principles.

N

Joint resolution for the relief of Messrs. Neighbours and Rivers," approved January 16th, 1843—directs the Auditor to audit, upon certain conditions, their accounts, in favor of James Wright, their agent, for \$145.

T

"Joint resolution for the relief of Jacob Tator," passed January 4th, 1843—directs the Commissioner of the General Land Office to issue to said Tator, upon certain conditions, a patent for one third of a league of land; and also directs the Secretary of War to issue to James J. Weir, a warrant for 320 acres of land, for military services.

W

"A joint resolution for the relief of Elizabeth Washburn, Armstead Bennett, and others," passed January 16th, 1843—directs the Commissioner of the General Land Office to issue patents, upon certain conditions, to the following persons, viz: to Elizabeth Washburn, for one league and labor; to Armstead Bennett, assignee of Mecum Main, for one labor; to Thomas Lagow, assignee of Reuben Brown, for one labor; to Dickerson Parker, assignee of John Parker, Jr., for 369 acres; and to John Parker, assignee of Stephen Crist, for one labor of land.

BY THE PRESIDENT OF THE REPUBLIC OF TEXAS.

PROCLAMATION.

Whereas, by a Proclamation issued on the eleventh day of February, A. D. 1840, in contravention of law and Treaty stipulations, by Mirabeau B. Lamar, (then President,) "the duties on all wines, the product of France, imported direct from any of the Ports of France, in French or Texian Vessels" were abolished: And whereas, in further violation of law and Treaty stipulations, "all collectors of customs were required to permit all wines, as aforesaid, to be admitted free of duty, into any of the ports of this Republic, until this proclamation shall be revoked by the President:" And whereas, neither propriety, policy nor a just regard due to the rights of our citizens requires the continuance of such an immunity to any foreign power: And whereas, other Governments have made the same a cause of complaint to this:—

Therefore, be it known that I, SAM HOUSTON, President of the Republic of Texas, by virtue of the power vested in me by law, do, hereby, solemnly revoke the said proclamation, and require all collectors of customs in the Republic to demand and receive the duties imposed upon wines, the product of France, imported into Texas, according to the rates established by law, and by the existing Treaty between the two countries: This proclamation to be in force and take effect from and after the fifteenth day of February next.

In witness whereof, I have hereunto signed my name, and caused the great seal of the Republic to be affixed.

Done at the town of Washington, the twenty-first day of December, in the year of our Lord one thousand eight hundred and forty two, and of the Independence of Texas the seventh.

[L. s.]

SAM. HOUSTON.

By the President:

ANSON JONES,

Secretary of State.

BY THE PRESIDENT OF THE REPUBLIC OF TEXAS.

PROCLAMATION.

Whereas, by an act of Congress of the Republic of Texas, approved February 5th, 1840, the eighth section, it is provided, that all free persons of color shall remove out of this Republic, within two years from the passage of said act, under certain penalties: And whereas, it has been represented to me, that there are a number of honest and industrious persons of that description, who have been citizens of this country for a number of years, and have always heretofore conducted themselves so as to obtain the confidence and good opinion of all acquainted with them, and are now anxious to be permitted to remain in the Republic for the next two years, from and after the fifth day of February next:

Therefore, be it known, that I, SAM. HOUSTON, President of the Republic of Texas, in virtue of the power and authority vested in me by the constitution and the law, do, in the name and by the authority of said Republic, issue this, my proclamation, remitting the penalty of the law that might otherwise attach against them for remaining in the Republic; to be in effect and operative for the term of two years from the fifth day of February next: **Provided**, those who wish to obtain the benefit of this proclamation, apply to the Chief Justice of the county in which they reside, and make satisfactory proof of their good character, and also enter into bond and security, in the penal sum of five hundred dollars, payable to the President and his successors in office, for their good behavior during the term specified in this proclamation.

In witness whereof, I have hereunto signed my name, and caused the great seal of the Republic to be affixed.

Done at the town of Washington, the twenty-first day of December, in the year of our Lord one thousand eight hundred and forty two, and of the Independence of Texas the seventh.

SAM. HOUSTON.

By the President:

ANSON JONES,
Secretary of State.

BY THE PRESIDENT OF THE REPUBLIC OF TEXAS.

PROCLAMATION.

To all and singular to whom these presents shall come,—Greeting:

Whereas a Treaty of Commerce and Navigation, between the Republic of Texas and Great Britain, was concluded and signed by the Plenipotentiaries of this Republic and her Britanic Majesty, at the city of London, on the thirteenth day of November, in the year of our Lord one thousand eight hundred and forty; which Treaty is, word for word, as follows:

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE REPUBLIC OF TEXAS AND GREAT BRITAIN.

The Republic of Texas, and her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, being equally desirous of affording every facility and encouragement to their respective Citizens and Subjects, engaged in commercial intercourse with each other, have nominated as their Plenipotentiaries to conclude a Treaty for this purposes, that is to say:—

The Republic of Texas, General James Hamilton, &c., &c.,

And Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, the Right Honorable Henry John, Viscount Palmerston, Baron Temple, a Peer of Ireland, a Member of Her Britannic Majesty's Most Honorable Privy Council, a Member of Parliament, Knight Grand Cross of the Most Honorable Order of the Bath, and Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;—

Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I.

There shall be reciprocal liberty of Commerce and Navigation between and amongst the Citizens of the Republic of Texas, and the subjects of Her Britannic Majesty; and the Citizens

or Subjects of the two countries, respectively, shall not pay, in the Ports, Harbors, Roads, Cities, Towns, or Places whatsoever, in either State, any other or higher duties, taxes, or imposts, under whatsoever names designated or included, than those which are there paid by the Citizens or Subjects of the most favored Nation; and the Citizens and Subjects, respectively, of the Two High Contracting Parties, shall enjoy the same rights, privileges, liberties, favors, immunities, and exemptions, in matters of Commerce and Navigation, that are granted, or may hereafter be granted, in either Country, to the Citizens or Subjects of the most favored Nation.

No duty of Customs, or other imposts, shall be charged upon any goods the produce of one Country, upon importation by sea or by land, from such country into the other, higher than the duty or impost charged upon goods of the same kind, the produce of, or imported from, any other Country; and the Republic of Texas, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, do hereby bind and engage themselves not to grant any favor, privilege or immunity, in matters of Commerce and Navigation, to the Citizens or Subjects of any other State, which shall not be also, and at the same time, extended to the Citizens or Subjects of the other High Contracting Party, gratuitously, if the concession in favor of that other State shall have been gratuitous; or on giving as nearly as possible the same compensation or equivalent, in case the concession shall have been conditional.

ARTICLE II.

No duties of Tonnage, Harbor, Lighthouses, Pilotage, Quarantine, or other similar or corresponding duties, of whatever nature, or under whatever denomination, shall be imposed in either Country, upon the Vessels, or upon any articles the growth, produce, or manufacture of the other, in respect of voyages between the two Countries, if laden, or in respect of any voyage, if in ballast, which shall not be equally imposed, in the like cases, on National Vessels; and in neither country shall any duty, charge, restriction, or prohibition, be imposed upon, nor any draw-back, bounty, or allowance be withheld from, any goods imported from, or exported to, any Country, in the Vessels of the one Country, which shall not be equally imposed upon, or withheld from, such goods, when so imported or exported in the Vessels of the other Country.

ARTICLE III.

The Citizens and Subjects of each Country shall enjoy full liberty to go to the Ports and Harbors of the other Country, where other foreigners are allowed to enter, to unlade their Merchandize therein, to hire and occupy Houses, and peaceably to conduct their respective Trades and Professions.

The Ships of War of both Countries, respectively, shall have the liberty to enter freely and touch at all such Ports in each Country, into which the Ships of War of any other Nation are permitted to enter; subject, however, to the Regulations, Laws, and Statutes of the respective Countries.

ARTICLE IV.

The stipulations of the present Treaty shall not be considered as applying to the Navigation and carrying Trade between one Port and another situated in the Dominions of one Contracting Party, by the Vessels of the other, as far as regards Passengers, Commodities, and Articles of Commerce; such Navigation and transport being reserved by each Contracting Party to National Vessels.

ARTICLE V.

The High Contracting Parties reserve for future negotiation, at such time as they may mutually agree upon, the conditions upon which the Trade and Navigation shall be regulated between the Republic of Texas and Her Britannic Majesty's Colonial Possessions in Europe, Asia, Africa, and America.

ARTICLE VI.

Whereas, in the present state of Texian Shipping, the Republic of Texas would not enjoy the full benefit of the reciprocity intended by this Treaty, if no Vessel were to be admitted into British Ports as a Texian Vessel, unless it had been built within the territory of Texas; it is therefore agreed, that for the space of eight years, to be reckoned from the date of the exchange of the Ratifications of this Treaty, any Vessels, whosoever built, being bona fide the property of, and wholly owned by, one or more Citizens of the Republic of Texas, and whereof the Master and three fourths of the Mariners, at least, are naturalized Citizens of the said Republic, or persons domicilia-

ted in that Republic by act of the Government, as lawful citizens of the Texian Republic, to be certified according to the Laws of that Country, shall be considered as Texian Vessels:—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland reserving to Herself the right, at the end of the said term of eight years, to claim that the provisions of the British Navigation Act, relative to the nationality of Foreign Vessels, shall be strictly applied to Texian Vessels in British Ports.

ARTICLE VII.

The Consuls and Vice-Consuls of each Country shall, within the territory of the other, enjoy all the rights, privileges, and immunities which are accorded to such Functionaries by the Law of Nations. And it is provided, that, in the Ports of each Country, especially, the authorities shall give all due legal assistance and protection to the apprehension, safe keeping, and delivery of all deserters from the Ships of War and trading Vessels of either Country. And all the powers and privileges granted in respect to the matters to which the stipulations of this Article relate, by either of the Contracting Parties to any other Nation, shall be granted by such Contracting Party to the Consuls, Vice-Consuls, Ships of War, and trading Vessels of the other.

ARTICLE VIII.

If any Ships of War or Merchant Vessels should be wrecked on the Coasts of either of The High Contracting Parties, such Ships or Vessels, or any parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the Proprietors, upon being claimed by them, or by their duly authorized Factors; and if there are no such Proprietors or Factors on the spot, then the said goods and merchandize, or the proceeds thereof, as well as all the papers found on board such wrecked Ships or Vessels, shall be delivered to the Texian or British Consul, in whose district the wreck may have taken place; and such Consul, Proprietors or Factors, shall pay only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable in the like case of a wreck

of a national Vessel; and the goods and merchandize saved from the wreck shall not be subject to duties, unless cleared for consumption.

ARTICLE IX.

The exercise of the rites of religious Worship and freedom of conscience, shall be reciprocally secured to the Citizens and Subjects of each Country, by the Government of the other. The right of sepulture shall be reciprocally accorded by each of the Contracting Parties to the other; and there shall be no Law passed by either Government, that shall violate the rights of property, or limit the power of bequeathing Personal Estate by Will or Testament.

The Citizens or Subjects of the one Country, residing in the other, shall not be liable, under extraordinary Warrants, or otherwise, to compulsory services, or to forced Loans; and on all questions affecting the rights of Person or Property, the Courts of Judicature of the one Country shall be impartially open to the Citizens or Subjects of the other.

In the event of War between the Contracting Parties, the Citizens or Subjects of the one Country, residing in the other, shall reciprocally have Twelve Months, after a formal Declaration of the same, to depart with their property and effects, and without any hindrance or disturbance whatsoever.

ARTICLE X.

The present Treaty, when the same shall have been ratified by the President of the Republic of Texas, by and with the Advice and Consent of the Senate, and by Her Britannic Majesty, shall be binding and obligatory on the Contracting Parties for eight years from the date of its Signature; and further, until the expiration of Twelve Months after One of The High Contracting Parties shall have notified to the other an intention to terminate its duration.

It is further agreed, that in Twelve Months after One of the High Contracting Parties shall have received from the other such notification, this Treaty, and all the stipulations it contains, shall cease to be obligatory upon either Party.

ARTICLE XI.

The present Treaty shall be ratified, and the Ratifications shall be exchanged at London, as soon as possible within the space of Nine Months from this date.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the Seals of their Arms.

Done at London, the thirteenth day of November, in the Year of our Lord One Thousand Eight Hundred and Forty.

J. HAMILTON. [L. s.]

PALMERSTON. [L. s.]

And whereas, the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at the City of London, on the twenty-eighth day of June, one thousand eight hundred and forty-two, by Ashbel Smith, Minister Chargé d'Affaires of the Republic of Texas, and the Earl of Aberdeen, Her Majesty's Secretary of State for Foreign Affairs, on the part of their respective Governments:

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

[L. s.] In witness whereof, I have hereunto set my hand, caused the Great Seal of the Republic of Texas to be affixed. Done at the City of Houston, this sixteenth day of September, in the year of our Lord one thousand eight hundred and forty-two, and of the Independence of Texas the Seventh.

SAM. HOUSTON.

By the President:

JOSEPH WAPLES,

Acting Secretary of State.