

L A W S

PASSED BY

THE EIGHTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

HOUSTON:
1844.

L A W S

OF THE

REPUBLIC OF TEXAS.

JOINT RESOLUTION

For the relief of Captain John C. Hays, and the company under his command.

Be it Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of six thousand four hundred and fifty dollars, be, and the same is hereby appropriated for the payment of Captain John C. Hays, with the company under his command, and the liabilities that have been created for the support of said company, while employed in the protection of the South-Western frontier, during the year one thousand eight hundred and forty-three.

Be it further resolved, That the Treasurer of the Republic be, and he is hereby, authorized to pay the six thousand four hundred and fifty dollars, as appropriated by this Resolution, to Captain John C. Hays, who is hereby authorized to receive the same and render his account of disbursements to the proper Department of the government. ✓

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

Approved, December 19th, 1843.

JOINT RESOLUTION

Transferring a certain appropriation, therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the unexpended balance of an appropriation, for the pay of

the members of the Seventh Congress, be, and the same is hereby, transferred, and the Treasurer of the Republic be, and he is hereby, authorized and required to pay said balance of said appropriation to the members and officers of both Houses of the eighth Congress, pro rata.

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

Approved, December 22nd, 1843.

AN ACT

To Change the name of the Seat of Justice, in Fannin County.

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 town, at the Seat of Justice, in the County of Fannin, shall be known and called by the name of Bonham.

Approved, December 22nd, 1843.

AN ACT

To provide for an extra term of the District Court for the County of Harris.

Whereas, in consequence of the sickness of the Honorable Judge of the Sixth Judicial District, the fall term of the District Court of Harris county, for the year one thousand eight hundred and forty-three, was not held, at the usual time, prescribed by law; and

Whereas, the interests of suitors in said Court, and of the common weal, require a speedy administration of justice; therefore

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an extra term of the District Court of Harris county shall be holden on the third Monday in January, in the year one thousand eight hundred and forty-four, to be deemed and considered the fall term thereof, for the year one thousand eight hundred and forty-three.

Sec. 2. Be it further enacted, That all writs, processes and other proceedings heretofore issued and had, which were made returnable on the second Monday after the fourth Monday in September, in the year one thousand eight hundred and forty-three, shall be, and are hereby, made returnable to the term of the said court, to be held, in accordance with the provisions of this act; and all parties, witnesses and jurors are required to be in attendance upon said term of said court, as though heretofore regularly summoned to attend the same.

Sec. 3. Be it further enacted, That this act take effect from and after its passage, and be published, forthwith, in the public Gazettes.

Approved, December 29th, 1843.

JOINT RESOLUTION

Granting the Honorable Richard Morris, Judge of the first Judicial District, leave of absence until the first Monday in March next.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Richard Morris, Judge of the first Judicial District, shall have leave of absence from this Republic until the first Monday in March next.

Approved, December 29th, 1843.

AN ACT

Supplementary to an act, entitled "an act creating the County of Rusk."

Whereas, the act, creating the County of Rusk, provided that the election for Commissioners to locate the Seat of Justice, also the election of the several county officers, in and for said county, should have been held on the first Monday in March, one thousand eight hundred and forty-three;

And Whereas, said election was held, on the first Monday in February, one thousand eight hundred and forty-three;

And Whereas, Commissions have been issued to the officers of said county, and business has been transacted by the aforesaid Commissioners and officers of said County; therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the election of Commissioners to locate the Seat of Justice, also the County officers, in and for the County of Rusk, which was holden on the first Monday in February, one thousand eight hundred and forty-three, and the official acts of said Commissioners and officers of said County, and all business of an official character, transacted in the County of Rusk, are hereby declared as legal and valid, in all respects, as though the election for said officers had been holden on the first Monday in March, one thousand eight hundred and forty-three, as contemplated by the act, to which this is a supplement, 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, January 3d, 1844.

 AN ACT

Supplementary to an act, entitled "an act to designate the Southern boundary of Lamar County, and for other purposes," approved December the twenty-sixth, 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 Southern boundary of Lamar County be, hereby, designated and known by the following limits, to wit: beginning in the Western boundary line of said County, as now established, at a point, thirty miles due South of the mouth of Bois'd'arc, and running a line from thence, due east, to the Eastern boundary line of said County, as now established, be, and the same is hereby, declared to be the Southern boundary of Lamar County.

Sec. 2. Be it further enacted, That John Emberson, Claiborne Chisum, George W. Stell, Hamlin Williams and John F. Griffin be, and they are hereby, appointed Commissioners, or a majority of them, to locate the County Seat of Lamar County, agreeably to, and in accordance with, the provisions of the second and third Sections of the Act, to which this is a supplement.

Sec. 3. Be it further enacted, That all that portion of territory, lying south of the line, established by this act, heretofore, included within the limits of said County, shall vote with, and be under the jurisdiction of, Lamar County.

Sec. 4. Be it further enacted, That all laws, heretofore passed, that would otherwise 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, January 3d, 1844.

AN ACT

To authorize the holding of the District Court, in three places, in Liberty 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 District Courts, for the County of Liberty, shall be held at the following places, in said County, viz: the town of Liberty, the town of Swartwout and Town Bluff, upon the Neches.

Sec. 2. Be it further enacted, That the District Court, to be held at the town of Liberty, shall commence on the last

Monday, before the first Monday, in March and September, shall continue for one week; and the Court, to be holden at Town Bluff, shall commence on the second Monday, in March and September, and shall continue one week; and the Court, to be holden at Swartwout, shall commence on the third Monday in March and September, and shall continue one week; and process of every description that is made returnable to the Court, holden at Liberty, shall be, hereby, made returnable on the last Monday, before the first Monday in March.

Sec. 3. Be it further enacted, That all the business, originating in the following boundary, to wit: commencing on the West side of the Neches River, where the Houston line strikes said River; thence West, along the said line of Houston, to the boundary of that portion of the County of Liberty, the judicial business of which, is, by this act, to be done and transacted at Swartwout; thence South along said line twenty-five miles; thence due South to the Village Creek; thence down said Creek, with the line of Jefferson County, to the Neches River; thence up said River to the beginning, shall be returned to Town Bluff; and all the business, originating in the following boundary, to wit: commencing on the East side of the Trinity River, at the mouth of Menard's Creek; thence East, eighteen miles; thence in a northerly direction to the forks of the road leading to Lewis and Bell's ferries; thence northerly to the County of Houston; thence westwardly, along the line of Houston County, to the Trinity River; thence westwardly to the Eastern boundary of Montgomery County; thence South, along the line of Montgomery County, to a point, opposite the place of beginning; thence due east to the beginning, shall be returned to the Court, holden at the Town of Swartwout, and all the business, originating in the remaining portion of the County of Liberty, shall be returned to the Court, holden at the Town of Liberty.

Sec. 4. Be it further enacted, That it shall be the duty of the Sheriff, and Clerk of said County to attend said Courts, and the Clerk shall cause to be kept, at said places of holding said Courts, a record of the proceedings thereof.

Sec. 5. Be it further enacted, That all petitions filed, and other process, issued in Liberty County, shall pray the summons or notice to be issued thereon, to be returnable to the place of holding the Court for the District, in which the business

originates, and the Clerk shall so issue his summons or notice, and the Sheriff shall make his return accordingly, and all executions, or other process of all descriptions, whatsoever, that may issue, either by the Court, or upon the proceedings of the said Court, shall be made returnable to the place of holding the same.

Sec. 6. Be it further enacted, That it shall be the duty of the Assessor, or Assessors, of the County of Liberty, in each and every year, to return into the Clerk's Office, for each District, in this act designated, the name of each individual liable to serve upon juries in the same, from which the juries shall be drawn, both grand and petit, as is now provided for, by law; and it is hereby made the duty of the Sheriff, for said County, immediately after the passage of this act, to make out, as accurately as he conveniently can, a list of the names of all persons liable to serve upon juries, in each District specified in this act, and return the same into the Clerk's Office, at the place of holding Court for the same, from which list, the jurors shall be drawn for the Courts, at each place, both grand and petit, of holding the same, until the assessor returns his list, as provided for in this act, and the grand juries shall be sworn to enquire for that portion of the body of the County of Liberty, embraced in their respective Districts.

Sec. 7. Be it further enacted, That it shall be the duty of the Chief Justice of the County of Liberty to hold a Court, once in three months, at the several places of holding the District Courts, for the transaction of Probate business, in the respective Districts herein specified, which said Courts shall be holden at Liberty, on the first Mondays in February, May, August, and November; at Swartwout, on the second Mondays in said months; at Town Bluff, on the third Mondays in said months, in each and every year, and continue until all the business is transacted; all of which business he shall transact without the aid of the associate Justices, and it shall be the duty of the Clerk of the County Court to attend said several Courts, either by himself or a Deputy, and shall cause a record of all the proceedings of said Court to be kept at the place of holding the same.

Sec. 8. Be it further enacted, That the said District Courts shall have jurisdiction of all offences against the laws of this Republic, that originate in the respective Districts, and shall try the same, at the places of holding the Courts, in said Dis-

tricts, without the venue shall be changed to some other County, and each Clerk shall keep the necessary seals of Office, at the different places of holding the Courts in said County.

Sec. 9. Be it further enacted, That all the acts of the Chief Justices of the Northern Division of Liberty, and the District of Menard, of said County of Liberty, in the appointment of Executors, Executrix's, administrators or administratrix's, Guardians, and the granting of letters testamentary, and their settlements with the same, either final or partial, agreeable to the then existing laws of the Republic, as well as all the acts of the Executor, Executrix, administrator or administratrix, or guardians, agreeable and in conformity with said existing laws of the Republic, shall be valid and of binding effect, and in all cases where final settlement, by such persons, had not been made, it shall be the duty of such Executor, Executrix, administrator, administratrix or Guardian, to make settlement with the Chief Justice of Liberty County, and it shall be the duty of said Chief Justice, of said County, upon the application of such Executor, or Executrix, administrator or administratrix, for re-appointment, without good cause shown to the contrary, to make such re-appointment, upon their entering into bond and security, as the law directs.

Sec. 10. Be it further enacted, That all marriages, solemnized under license from the Clerk of the County Court of said Northern Division, and Menard Districts, and celebrated by persons who were, otherwise, legally authorized to celebrate the rights of matrimony, but who had been elected or appointed, under the organization of said Districts, or such other person as was by law authorized to celebrate the rights of matrimony, shall be held to be of legal and binding effect, from the period when they were thus solemnized, and all the issue of such marriages, are, hereby, declared to be legitimate.

Sec. 11. Be it further enacted, That all deeds, and other instruments of writing, which have been duly proven before the proper officers of justice of such Districts, or other legal officers, and filed for record, with the Clerk of the County Court of said Districts, shall have, from the time, thus filed, the same legal validity and effect, as if duly proven and recorded in the office of the Clerk of the County Court of Liberty County, saving, however, to judgment creditors and

purchasers, without notice, all rights which they may have acquired before the passage of this act.

Sec. 12. Be it further enacted, That the records of the County Court Clerk's office of said Districts be, by the former Clerk of the same, or such other person as may have them in possession, delivered over, upon oath, to the Clerk of the County Court of Liberty County, to be kept by him at the places of holding the Courts for said County, in the Districts in which said records were made.

Sec. 13. Be it further enacted, That all lands, or negroes, sold by virtue of any execution, or decree, of any of the Courts, holden for Liberty County, shall be sold at the place of holding the Court from which said decree or Execution issued.

Sec. 14. Be it further enacted, That this act take effect and be in force from and after its passage, and that all laws and parts of laws, contravening the provisions of this act, are hereby repealed.

Approved, January 6th, 1844.

JOINT RESOLUTION

Making an appropriation for carrying the mail, until the first March, one thousand eight hundred and forty-four.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an appropriation of three thousand seven hundred and forty-two dollars, thirty-six and one half cents, be made for the purpose of continuing the mails, until the first of March, one thousand eight hundred and forty-four, and that this resolution take effect from and after its passage.

Approved, January 6th, 1844.

AN ACT

To alter in part, and define the Northern boundary line of the County of Harrison.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from the place or point, where big Cypress enters into the Lake Soda, the line shall continue through, and with the course of said Lake, centreing its waters to the United States' Line.

Sec. 2. Be it further enacted, That that portion of territory lying North of the line described in the preceding section, which was heretofore included within the County of Harrison, be, and the same is hereby, added to the county of Bowie.

Sec. 3. Be it further enacted, That so much of an act entitled "an act to create and establish the County of Harrison," approved January twenty-fifth, one thousand eight hundred and thirty-nine, as conflicts with the provisions of this act, be and the same are hereby, repealed.

Approved, January 8th, 1844.

AN ACT

To enforce the collection of costs in the Supreme Court of the Republic of Texas.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, hereafter, the Clerk of the Supreme Court of this Republic shall not be bound to issue any order, process or decree of said Court to any inferior Court of this Republic, upon the final judgment of said Supreme Court, unless all the costs, due said Clerk, in said case, shall be paid him.

Sec. 2. Be it further enacted, That should said order, process or decree, be demanded by the party in said case, not condemned to pay the costs, then, and in that event, he or

they, upon paying the same, shall be entitled to demand of said Clerk an execution, in his favor, against the said party, condemned to pay the costs, for the full amount thereof, directed to the Sheriff of any County he or they may choose, and which, when collected, shall be paid over to said party.

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

Approved, January 8th, 1844.

AN ACT

Establishing a Post Office, at Anahuac, in the County of Liberty.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a Post Office be, and is hereby, established, at Anahuac, in the County of Liberty.

Sec. 2. Be it further enacted, That it shall be the duty of the Post Master, at Galveston, to deliver the Mail, for Anahuac, to such Boats as the Post Master, at Anahuac, shall direct, to be transported to that place; and the Post Master at Anahuac shall transmit by such Boat as he may think proper, the Galveston Mail.

Sec. 3. Be it further enacted, That said Mail is to be transported, free of expense to the Government, except the proceeds of the Post Office, at Anahuac, which is hereby appropriated for that purpose.

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

Approved January 11th, 1844.

AN ACT

Legalizing the records of Panola County, and constituting the same a part of the Records of the County of Harrison.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all business legally transacted, by the Officers of the Judicial County of Panola, shall be considered as valid and binding, in law, as if the same had been transacted by the Officers of any Constitutional County.

Sec. 2. Be it further enacted, That the records of the Offices of said Judicial County of Panola shall form and constitute a part of the records of the Offices of the same kind, in Harrison County, and it shall be the duty of the proper Officers of Harrison County to get possession, as soon as practicable, of said records.

Sec. 3. Be it further enacted, That should any person, having possession of said records of Panola County, refuse to deliver the same to the proper officers of Harrison County, on the application of said Officers, by themselves or their agents, appointed in writing, the persons so refusing, shall, on conviction thereof, before the District Court, be fined in the sum of five hundred dollars, and may be imprisoned one year, at the discretion of the Court.

Passed, January 12th, 1844.

JOINT RESOLUTION

Making an appropriation for contingent printing.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of seven hundred dollars be, and the same is hereby, appropriated for the purpose of paying the contingent expenses, incurred in printing, by the House of Representatives.

Sec. 2. Be it further resolved, That the sum of three hundred dollars be, and the same is, hereby, appropriated, for

the purpose of paying the contingent expenses incurred in printing by the Senate, and that this resolution take effect from and after its passage.

Approved January 13th, 1844.

AN ACT

Granting the Franking Privilege to the Commissioner of the General Land-Office and Auditor.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land-Office and Auditor shall have the franking privilege, on their official correspondence, as fully as any other public functionary of this Government.

Sec. 2. Be it further enacted, That the Commissioner of the General Land-Office, and Auditor, shall be released from the payment of all postage, for which they have become liable, on their official correspondence.

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

Approved, January 13th, 1844.

AN ACT

To amend the seventeenth section of an act to reduce into one, and amend the several acts concerning executions, approved January the 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 in cases provided for in said section, should the respective

appraisers fail to agree upon a third person to act as umpire, the sheriff, or officer, conducting the sale, shall proceed to appoint, as umpire, some third person, allied to neither of the parties, either by consanguinity, or affinity, and wholly disinterested, who shall proceed to act in the same manner as if appointed by the respective appraisers.

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

Approved, January 13th, 1844.

JOINT RESOLUTION.

For the relief of Mrs. Angelina D. Smith.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Angelina D. Smith, widow of James Smith, late of Travis county, and administratrix of the estate of the same, be, and she is hereby authorized to remove and open the succession of the said deceased, in the Probate Court of Washington county, in the same manner as though the said James Smith had resided in the county of Washington, at the time of his death.

Sec. 2. Be it further resolved, That the Chief Justice of Travis county be required to furnish the administratrix with a copy of all the papers in the Court of Probate of Travis, relative to the succession of said Smith, and all the papers belonging to said succession; provided, she pay all costs that have accrued, up to the present time, and the expenses that may accrue to the Chief Justice, for a transcript of the records to be furnished the Probate Court of Washington County.

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

Approved, January 13th, 1844.

AN ACT

For the relief of the heirs of Wm. M. Eastland and others.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the real estate belonging to the successions of Wm. M. Eastland, and the other Mier prisoners, who were decimated, by order of the Mexican Government, or fell in the battle of Mier, or shall have died in bondage, shall be exempted from taxation, of all kinds, for and during the term of five years, any law to the contrary notwithstanding; provided, the said real estate remain the property of the successions, or of the heirs of the deceased, during said period.

Sec. 2. Be it further enacted, That all persons who were made prisoners, at the battle of Mier, on the twenty-sixth December, one thousand eight hundred and forty-two, be, and they are hereby, exempt from paying taxes upon all real estate, owned by them, for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, and so long hereafter as they may continue to be prisoners.

Sec. 3. Be it further enacted, That the benefits of this act shall be extended to the prisoners and killed during the incursion of General Woll to the city of San Antonio, in the County of Bexar, in the month of September, one thousand eight hundred and forty-two.

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

Approved, January 13th, 1844.

AN ACT

Making the Town of Jasper, in the County of Jasper, the legal County Seat.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Town of Jasper, in the County of Jasper, be, and is here-

by, declared to be the legal County Seat of said County, until otherwise provided for by law.

Sec. 2. Be it further enacted, That the following officers of said County shall keep their respective offices in said Town of Jasper, to wit; Chief Justice, District Clerk, County Clerk, Sheriff, County Surveyor and Post Master of the Post Office in the Town of Jasper.

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

Approved, January 14th, 1844.

AN ACT

To amend the criminal laws of the Republic of Texas.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, hereafter, the crimes of perjury, subornation of perjury, assaults and batteries, with intent to kill and murder, or assaults, with intent to commit a rape, may be prosecuted, at any time, within five years, after the commission of said offence, or offences.

Sec. 2. Be it further enacted, That all laws in this Republic, giving to the Chief Justices of the different counties jurisdiction in cases of habeas corpus, be, and the same are hereby, repealed.

Sec. 3. Be it further enacted, That in the trials which may hereafter take place in any of the District Courts of this Republic, of a capital nature, the party accused shall be entitled to twelve peremptory challenges, and no more; except there be more than one person on trial, in which event, then, there shall be allowed to each person, on trial, as aforesaid, eight peremptory challenges, and no more.

Sec. 4. Be it further enacted, That in any criminal cases which may, hereafter, be on trial, in any of the District Courts of this Republic, and if it shall appear to the presiding Judge thereof, after sufficient efforts have been made, that from the sparseness of the population, or other cause, a competent jury

cannot be obtained to try said case, in said County, then, and in that event, it shall be the duty of said Judge, upon affidavit, in writing, of the District Attorney, to adjourn said case to some other county, in his district, free from the same objection, and the same proceedings had therein, as in other cases of a change of venue.

Sec. 5. Be it further enacted, That when an indictment be mislaid, or lost, upon the discovery of the fact, by the District Attorney, he shall request the court to have the fact entered upon the minutes of the Court, in which case those offences which are barred by the expiration of a certain time from the commission of the same, shall not be barred, until the expiration of the same length of time after such loss is noticed, upon the minutes of the Court.

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

Approved, January 16th, 1844.

AN ACT

To establish and incorporate the Wesleyan Male and Female College of San Augustine.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an Institution of learning be, and the same is hereby, established, at the City of San Augustine, in San Augustine County, to be denominated the Wesleyan College of San Augustine.

Sec. 2. Be it further enacted, That there shall be thirteen Trustees, who are hereby authorized to take charge of said College, and a majority of the whole number shall constitute a quorum to do business.

Sec. 3. Be it further enacted, That the following persons have been duly chosen Trustees of said College, and are recognized as such, to wit: Francis Wilson, John C. Brooks, Travis G. Broocks, James Perkins, Daniel Poe, Alexander M. Davis, F. G. Lovell, O. Fitzallen, Littleton Fowler, Henry W. Augustine, John F. Berry, Wm. D. Ratchiff, John G. Love and J. Pinckney Henderson.

Sec. 4. Be it further enacted, That the Trustees aforesaid be, and they are hereby constituted a body politic and corporate in deed and in law, by the name of the President and Trustees of Wesleyan College, and by that name they, and their successors, shall and may have perpetual succession and be able and capable, in law, to have, and receive and enjoy to them, and their successors, lands, tenements, hereditaments of any kind, in fee, or for life, or for years, and personal property of any kind whatsoever; and also all sums of money which may be given, granted or bequeathed to them, for the purposes of promoting the interests of the said College; provided, the amount of property, owned by said Corporation, shall not, at any one time, exceed one hundred thousand dollars, over and above the buildings, library and apparatus, necessary to the institution.

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

Sec. 6. Be it further enacted, That the Trustees of said College, shall and may have a common seal for the business of themselves, and their successors, with liberty to change and alter the same, from time to time, as they shall think proper, and that by their aforesaid name, they and their successors, shall and may be able to sue, and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law or equity, in this Republic, and to grant, bargain and sell or assign any lands, tenements, goods or chattles, now belonging to said College, or that may hereafter belong to the same; to construct all necessary buildings for the said institution; to establish a preparatory Department, and a Female Department, and such other dependent institutions as they shall deem necessary; to have the management of the finances, the privileges of electing their own officers, of appointing all necessary committees, and to act, and do all things, whatsoever, for the benefit of the said Institution, in as ample a manner as any person, or body politic or corporate, can or may do, by law.

Sec. 7. Be it further enacted, That the said Trustees shall have the power of prescribing the course of studies, to be pursued by the students, and of framing and enacting all such

ordinances and by-laws, as shall appear to them necessary, for the good government of the said College, and of their own proceedings; provided, the same be not repugnant to the constitution and laws of this Republic.

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

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

Sec. 10. Be it further enacted, That whenever any vacancy shall occur, either by death, resignation or otherwise, in the Board of Trustees, such vacancy shall be filled by the Texas annual conference of the Methodist Episcopal church, and in case such conference should hereafter be divided, then all vacancies shall be filled by the conference in which said College may be located.

Sec. 11. Be it further enacted, That all necessary officers of said Institution shall be appointed by a majority of the Board of Trustees.

Sec. 12. Be it further enacted, That whenever a vacancy shall occur, in the Presidency, or any of the Professor-ships of the College, the Board of Trustees shall have the power to fill such vacancy.

Sec. 13. Be it further enacted, That the Trustees shall have the power of fixing the salaries of all the officers, connec-

ted with the College, and of removing any of them, for neglect or misconduct in office, a majority of the whole number concurring in said removal.

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

Sec. 15. Be it further enacted, That no misnomer of the said College shall defeat, or annul, any gift, grant, devise or bequest to the same.

Sec. 16. Be it further enacted, That the Professors of said College, shall not be eligible to act as Trustee or Trustees for the same, and in case either or any of the Trustees may hereafter be employed to discharge any of the duties in and about said College, he or they shall resign their station of Trustee or Trustees, before entering upon the duties assigned him or them.

Sec. 17. Be it further enacted, That when any law, rule, or resolution may be passed by the Board of Trustees at a regular or stated meeting of said Board, it shall not be competent for a called meeting of said Board to repeal or rescind such law, rule or resolution, unless there is a full Board present.

Sec. 18. Be it further enacted, That this act shall remain in force fifty years, subject to renewal by Congress.

Sec. 19. Be it further enacted, That this act shall be deemed a public one, and judicially taken notice of, without special pleadings.

Sec. 20. Be it further enacted, That nothing in this bill shall be so construed as to allow banking privileges, or any other privileges not contemplated by this charter, and a non-compliance with the provisions of this act, or a breach of the same, shall work a forfeiture of this act or charter.

Approved, January 16th, 1844.

AN ACT

To fix the currency in which fines and forfeitures, shall be recoverable.

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

all Bonds, Obligations, or recognizances, hereafter made payable to this, Republic, or the President of the same, or any of the Counties, shall be held and deemed as payable and recoverable, in gold or silver only; and all fines hereafter assessed or incurred, shall be paid in Gold, Silver or Exchequer Bills, any law to the contrary notwithstanding, and that this act shall take effect from and after its passage.

Approved January 17th, 1844.

AN ACT

To authorize Administrators, Executors, or Guardians to purchase property, for the collection of debts in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in any case where an Executor, Administrator, or Guardian is Plaintiff in Execution, under which an appraisement is necessary, before a sale can be made, it shall be lawful for said Plaintiff upon the written decree of the Probate Judge, authorizing the same to purchase the property which may be levied on by execution, either at the first, or any subsequent offering, provided, that no bid shall have been made by any other person, sufficiently high to make a sale under the former existing laws, and the property thus purchased shall be considered as a part of the mass of the Estate which he represents, and may be disposed of as in other cases, and this act shall take effect from its passage.

Passed January 18th, 1844.

AN ACT

To re-organize the District Courts of the fourth Judicial District.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fourth Judicial District shall be composed of the following Counties, to wit: Bexar, Gonzales, Jackson, Victoria, Refugio, Goliad, and San Patricio; and the District Courts for the County of Bexar, shall be holden on the first Mondays of March, and the second Mondays of September, and may continue in session two weeks; in the County of Gonzales, on the third Mondays of March, and the fourth Mondays of September, and may continue in session one week; in the County of Jackson on the fourth Mondays of March, and the first Monday after the fourth Mondays of September, and may continue in session one week; in the County of Victoria, on the first Monday after the fourth Mondays of March, and the second Monday, after the fourth Mondays of September and may continue in session one week; in the County of Refugio, on the second Monday after the fourth Mondays of March, and the third Monday, after the fourth Mondays of September, and may continue in session one week; in the County of Goliad on the third Monday after the fourth Mondays in March, and the fourth Monday after the fourth Mondays of September, and may continue in session one week; in the County of San Patricio on the fourth Monday after the fourth Mondays of March, and the fifth Monday after the fourth Mondays of September, and may continue in session until the business is disposed of.

Sec. 2. Be it further enacted, That all process, heretofore returnable, and triable, at the terms prescribed by law, shall be returnable, at the terms of the Court, fixed by this Statute, and this act take effect from its passage.

Passed January 18th, 1844.

AN ACT

To incorporate the Colorado 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 Colorado Navigation Company, with a capital of one hundred thousand dollars, to be divided into shares of ten 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 land and personal property, for the purpose of carrying out the object of this incorporation, and do any thing that any other corporate body can do, that is not incompatible with the constitution and laws of this Republic.

Sec. 2. Be it further enacted, That books for the subscription of stock be opened, on the first Monday of April next, at the town of Austin, under the superintendence of James Smith, Jacob Harrel and Joseph W. Robertson, Commissioners; on the first Monday of April next at the town of Bastrop, under the superintendence of Middleton Hill, James Nicholson and Bartlet Sims, Commissioners; on the first Monday of April next, at the town of Lagrange, under the superintendence of Augustus Williams, J. S. Lester, and J. H. Moore, Commissioners; on the first Monday of April next, at the town of Columbus, under the superintendence of Wm. B. Dewes, John F. Miller, and Wm. J. Jones, Commissioners; and on the first Monday of April next; under the superintendence of James W. Lann, Trowbridge Ward, and Albert Wardsworth, Commissioners; at the town of Matagorda, or any two of them, and said books shall remain open for the space of sixty days; that one dollar shall be paid on each share, at the time of subscribing, and that if any shares shall not be taken, within the aforesaid sixty days, the said Commissioners, at the town of Matagorda, shall be required to keep open said books until the whole shall be subscribed, and in case the whole amount of said stock shall be subscribed, within the said sixty days, the shares subscribed shall be dis-

tributed amongst the subscribers, pro rata, according to the amount 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 stock-holders may 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 vote of a majority, may from time to time, order instalments of said capital stock to be paid, on each and every share, and in case any instalment, ordered to be paid, shall remain unpaid, upon any shares, for the space of thirty days, after the same shall have become due, it shall be lawful for the officer 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 the river Colorado, and to improve the navigation thereof, by dams, locks, and otherwise, from the mouth of said river, where it puts into Matagorda Bay, as far up said river as will be practicable to render the same navigable, and shall have power to use the banks of said river, and the earth and timber thereon, for that purpose, and to navigate the same.

Sec. 6. Be it further enacted, That in case, any owner, or owners, of the soil or timber, on the banks of said river, shall refuse to surrender the same to the said corporate body, for said purposes, that the said corporate body shall have power to apply to any justice of the peace, in any of the counties through which the said Colorado River runs, and where such timber and earth may be needed, or used, whose duty it shall be to summon a jury of five disinterested free holders of the county, (not stock-holders) to estimate the damages which such owner or owners of the soil on said river 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 damages so estimated, to the said owner, or owners; and when the value of soil and timber shall be so assessed and paid for, as aforesaid, it shall be vested in said corporate body.

Sec. 7. Be it further enacted, That after the whole amount of said stock shall have been subscribed, it shall be the duty of the said Commissioners, at the town of Matagorda, or any two of them, to call the first meeting of stock-holders, at said town, which meeting the company shall be organized, and officers elected, and by-laws established, and that thirty days' notice of such meeting shall be given in some public newspaper, printed in the Republic, and that immediately after the said books, for the subscription of stock, shall have been opened, for the said space of sixty days, it shall be the duty of the Commissioners at Austin, Bastrop, Lagrange, and Columbus, to transmit the books, the subscriptions and the money received, to the Commissioners to the town of Matagorda.

Sec. 8. Be it further enacted, That after the said corporate body shall have rendered said river navigable, from its mouth, where it puts into Matagorda Bay, up said river, to Elliott's Ferry, with steam-boats, the said corporate body shall have the right to charge and collect tolls on all vessels, steam-boats, keel-boats, flat-boats, rafts, and freights, passing up and down said river, provided, that none of the abovenamed crafts shall be charged toll, unless they pass through a place now known as the raft on said river some fifteen or twenty miles above where the said Colorado River enters into Matagorda Bay.

Sec. 9. Be it further enacted, That at any time after thirty years from and after the passage of this act, it shall be lawful for the Republic of Texas to pay to said corporate body the full amount of the expenses of clearing out the channel of said river and 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 toll shall cease and determine, and this act shall become null and void.

Sec. 10. Be it further enacted, That the company shall have the right to regulate all tolls for the space of five years, from and after the completement of said work, according to the provisions of the eighth section of this act, and from and after that time, it may be lawful for Congress to appoint two commissioners to act, in conjunction with a like number of commissioners, or directors, of said chartered company, who shall proceed to assess the rate of toll, and if said commis-

sioners and directors cannot agree, they shall choose an umpire, and if said commissioners cannot agree in selecting an umpire, the President of the Republic may appoint one, whose decision shall be binding; said assessment of tolls may be had, once a year, at the discretion of Congress.

Sec. 11. Be it further enacted, That said corporate body shall be required to keep a regular set of books, in which shall be entered, and kept, a correct account of the cost of the improvement of said Colorado River.

Sec. 12. Be it further enacted, That all vessels, and all freight, belonging to the Government of Texas, shall pass said river, free from toll.

Sec. 13. Be it further enacted, That said corporate body shall complete said work, contemplated by this act, to Elliott's ferry, in the space of five years.

Sec. 14. Be it further enacted, That said corporation shall not be permitted to issue any bill, promissory note, or other instrument to circulate as money, or deal in bills of exchange, except purchasing such bills of exchange as may be necessary in carrying on said work.

Approved, January 18th, 1844.

AN ACT

To change the Seat of Justice of the County of Austin.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John Cheek, Leonard W. Groce, Jesse Burdet, John York, John Kinney and Jesse W. Lottard be, and they are hereby, appointed Commissioners to select a suitable site for the location of the Seat of Justice of the county of Austin; and the said Commissioners shall have full power and authority, or any four of them, to select said site, and obtain, at such selection, by donation or otherwise, for the use of said county, not less than one hundred, nor more than two hundred acres

of land, unless obtained by donation, which selection shall be made without regard to the provisions of the act for the removal of the County Seats of Justice, approved May the ninth, one thousand eight hundred and thirty-eight, and upon which the Seat of Justice shall be located; provided, always, that the Commissioners appointed by this act, shall not have power to obligate the county to pay more than two dollars, per acre, for any lands, purchased by them, under the authority of this act, and the amount, so obligated, shall be paid by the county treasury.

Sec. 2. Be it further enacted, That the said Commissioners be, and they are hereby authorized and empowered, so soon after the selection of said County Seat, as practicable, to have the same surveyed in lots of convenient sizes, and after advertising the sale, in some public newspaper, for at least thirty days, to sell, at public auction, any number thereof, not exceeding one half the whole number of lots; and the said Commissioners, are, hereby, required to appropriate the proceeds, arising from the sale of said lots, after paying the necessary expenses of purchasing, surveying &c., to the erection of a Court-house, Jail and such other public buildings as they may deem necessary and proper.

Sec. 3. Be it further enacted, That so soon as the said County Commissioners shall have procured a house, the place, so selected, for the purpose of holding courts in, upon information of the same being given to the Chief Justice of said county, he shall require the clerks of the different courts immediately to remove all the records, documents and papers of their respective offices, to the place selected, as aforesaid, at the expense of the county; and succeeding courts shall be holden at the said selection; provided, however, that the removal of the different offices shall not be made till after the next spring term of the District Court shall be holden at the place, fixed by the former laws.

Sec. 4. Be it further enacted, That the county site of said county of Austin, when located, according to the provisions of this act, shall be called and known, by the name of Kuykendall.

Sec. 5. Be it further enacted, That all the lands, procured under the provisions of this act, and the proceeds, arising therefrom, shall be under the control and at the disposal of the Commissioners of Roads and Revenue.

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

Passed, January 22d, 1844.

AN ACT

To repeal the thirteenth section of an act, to amend an act, entitled "An Act to raise a public revenue by direct taxation," approved February fourth, one thousand eight hundred and forty-one.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the thirteenth section of the aforesaid act be, and the same is hereby repealed, so far as relates to the city of Matagorda, Houston, Galveston and San Antonio.

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

Passed, January 22nd, 1844.

AN ACT

To make an Appropriation for the payment of the Salaries of the District Attorneys, for the year 1843.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of seventeen hundred and fifty dollars be, and the same is hereby, appropriated, for the payment of the salaries of the seven District Attorneys of the Republic, from the first day of December, 1842, till first December, 1843; and this act shall take effect from and after its passage.

Approved, Jan'y 22d, 1844.

JOINT RESOLUTION

For the relief of John W. Smith.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby, required to audit the accocunt of John W. Smith, for two hundred dollars, for his services as Clerk of the Board of Land Commissioners of the county of Bexar, in making a transcript of the testimony, had upon each certificate, issued by the Board of Land Commissioners, for said county, in conformity to an order of the Commissioner of the General Land-Office, dated February twentieth, one thousand eight hundred and thirty-nine; and all other claims against the Government, for the like services, by other persons, shall be audited in like manner, for the amount, approved by the Commissioner of the General Land Office, subject to future appropriation by Congress.

Passed, January 22d, 1844.

AN ACT

Authorizing John C. Hays to raise a Company of Mounted Gunmen, to act as Rangers, on the Western and South-Western Frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John C. Hays is hereby authorized to raise one company of mounted gunmen, which company shall consist of one Captain, one Lieutenant, and forty privates, and that the said John C. Hays shall command the same, and the said lieutenant, shall be elected by the members composing said company; the said company shall be organized by the first day of February, A. D. one thousand eight hundred and forty-four, or as soon thereafter as practicable, and so soon as organized and reported, shall be received by the President, for the services herein expressed.

Sec. 2. Be it further enacted, That each man admitted

into the service of said company, shall be well mounted and well armed, at their own expense.

Sec. 3. Be it further enacted, That the said company shall range on the Western and South-Western frontier, from the county of Bexar to the county of Refugio, and westward, as the public interest may require.

Sec. 4. Be it further enacted, That the Captain of said company shall receive the sum of seventy-five dollars, per month; the Lieutenant the sum of fifty dollars per month; and each private the sum of thirty dollars per month, while in actual service; and that each member of said company shall receive pay for his services, at the expiration of every two months; and the Captain of said company is, hereby, made the disbursing officer, on his giving bond and security, to the amount of five thousand dollars, for the faithful performance of his duty.

Sec. 5. Be it further enacted, That the Secretary of War and Marine be, and he is hereby authorized to draw on the Treasurer every two months, in advance, in favor of the disbursing officer of said company, for such sum, as will meet the expenses, as estimated for rations and forage, and that the sum of seven thousand one hundred and forty-one dollars and sixteen cents be, and the same is hereby, appropriated, to carry into effect the provisions of this act.

Sec. 6. Be it further enacted, That the said company, shall be enrolled for the term of four months from the time of organization, and that the President be, and he is hereby, authorized and required to retain the services of said company for a longer term, should he in his judgment or opinion, believe the public interest or safety requires it, and in such event, a sum sufficient is, hereby, appropriated to carry the same into effect, according to the estimate, terms, and provisions, of the foregoing recited act.

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

Approved, January 23d, 1844.

AN ACT

For the relief of Caroline Johnson.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Caroline Johnson, widow of the late Amos Johnson, deceased, be, and she is hereby, authorized to withdraw the negroes, and other personal property, belonging to the estate of the said Amos Johnson deceased, from the control and supervision of the Probate Court.

Sec. 2. Be it further enacted, That previous to the withdrawal of the said negroes from the control and supervision of the Probate Court, as provided in the first section of this act, the said Caroline Johnson, be, and she is hereby required, to pay off all debts due from said estate and all costs of court.

Sec. 3. Be it further enacted, That the Probate Court, in which the succession of the estate of the said Amos Johnson, deceased, has been opened, be, and is hereby, prohibited, from issuing any order for the sale of any real estate, belonging to said succession, during the minority of the heirs of the said Amos Johnson, deceased, but, shall hold the said real estate, as security for the faithful performance of all the conditions of the bond filed by the said Caroline Johnson, as administratrix of said estate.

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

Approved, January 24th, 1844.

JOINT RESOLUTION

For the relief of George T. Holman.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the dwelling house of George T. Holman, residing on and near the dividing line between the counties of Colorado

and Fayette, be, and the same is hereby, declared for all legal purposes within the county of Fayette, so that the said Holman and family shall be held and considered residents in said county of Fayette.

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

Approved, January 24th, 1844.

AN ACT

To repeal an act, entitled An Act to sectionize and sell the Lands formerly reserved for, and occupied by the Cherokee Indians," approved February 1st, 1840; also, to repeal an act, entitled "An Act to provide for the survey and sale of a portion of the territory, formerly occupied by the Cherokee Indians," approved July 23d, 1842.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act entitled "An Act to sectionize and sell the lands formerly reserved for, and occupied by, the Cherokee Indians," approved February 1st, 1840, also an act entitled "An Act to provide for the survey and sale of a portion of the territory, formerly occupied by the Cherokee Indians," approved July 23d, 1842, be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That all legal and valid orders of survey, certificates, scrip, or bounty warrants legally and correctly obtained, and surveyed, or located, in the said above-recited territory, and all titles and colonist rights, legally and properly surveyed and located, under the colonization laws of Mexico, in said territory, be, and the same are hereby declared as valid as if located or situated in any other portion of the public domain and any such claims are, hereby, placed upon the same basis and grounds as claims of a similar character, located or situated in other portions of the country, any law or act for the sale, survey, or hypothecation of any of the said lands, or any Indian treaty or trea-

ties, which might be construed to affect the right or title of said lands, to the contrary notwithstanding.

Sec. 3. Be it further enacted, That all the lands, vacant in said territory, be, and the same are hereby declared subject to entry and location, and the settlers residing therein, be entitled to all the immunities and privileges of entry and location, allowed to citizens residing in other portions of the public domain; and provided, that in no instance, shall it be lawful for any non-resident to locate upon the land occupied and settled, bona fide, by any resident citizen, in the aforesaid district or country.

Sec. 4. Be it further enacted, That an act entitled "An Act granting a donation of land to actual settlers on or near the Military Road on the northern frontier," approved January 21st, 1841, be, and the same is hereby, repealed; and that all legal locations and surveys, heretofore made, north of said road, are, hereby, validated.

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

Approved, January 27th, 1844.

JOINT RESOLUTION

For the relief of Richard West, Deputy Collector at the Port of La Baca.

Whereas, Samuel W. Fisher, in the year one thousand eight hundred and forty-one, imported into the Republic of Texas, goods &c., the duties on which amounted to the sum of four hundred and two dollars and five cents, and

Whereas, the said Samuel W. Fisher paid the said duties to the Government, as required by law, and subsequently re-shipped the same to the United States of North America to prevent them from falling into the hands of the public enemy; and

Whereas, the said Samuel W. Fisher, subsequently imported the same goods &c. into Port La Baca, and

Whereas, Richard West, Deputy Collector, in the absence of instructions on the subject, allowed the said Samuel W. Fisher to pass the said goods &c. without paying the duties on the same, a second time; therefore,

Sec. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Richard West and his securities be, and they are hereby, declared exempt from liability to the Government, for the said sum of four hundred and two dollars and five cents.

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

Approved, January 27th, 1844.

AN ACT

To incorporate Herman's University.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That L. C. Ervendberg, F. Ernst, H. Smidt, H. Aurthor, J. G. Sieper, C. Stochr, F. W. Huesman and E. Frank be, and they are hereby, constituted and declared to be, from and after the passage of this act, a body corporate, by the name of the President and Trustees of Herman's University; and as such, they and their successors, are authorised to hold property, real, personal and mixed, to sue and be sued, and generally, to do any and every thing, not repugnant to this act of incorporation, nor to the constitution and laws of this Republic.

Sec. 2. Be it further enacted, That the President of said Trustees shall be elected every four years, and must be a professor in said University.

Sec. 3. Be it further enacted, That the number of Trustees shall not exceed twelve, nor be less than seven, of whom a majority shall form a quorum, with power to act; They shall have the right to choose their President, to appoint a Treasurer and a Secretary, to establish and fill professor-

ships, to fix the location of the University, to receive and pay out all monies due to and by said University, to fill vacancies in their own body, and to pass by-laws, not contrary to this act, nor to the laws of this Republic; they shall have a common seal, and may change and alter the same at pleasure, which, with the signature of the President shall be evidence of their acts.

Sec. 4. Be it further enacted, That the subscribers shall consist of such men as shall pay to the Treasurer of said University the sum of fifty dollars, or shall convey to the aforesaid President and Trustees fifty acres of land held under a grant of said Republic, or of the proper authorities before the declaration of Independence, and upon the joint application of any ten of them, the Trustees shall call a meeting of the subscribers; notice thereof shall be given in a public gazette at least one month previous to the time appointed therefor, and shall lay before the same a full statement of all the lands and other property belonging to said University, of their annual rents and profits, and of all monies received and expended by them, whence received and for what expended.

Sec. 5. Be it further enacted, That after the expiration of five years from the passage of this act, the President and Trustees shall have the right to sell, mortgage or otherwise hypothecate no more than one tenth of all the lands belonging to said University, during any one year, and then only after such sale, mortgage or hypothecation has been approved by a meeting of the subscribers.

Sec. 6. Be it further enacted, That the said President and Trustees shall establish the necessary preparatory schools, and shall have the right to establish four faculties, one Theological, one Judicial, one Medical, and one Philosophical, and the Professors of every one of these faculties shall have the right to prescribe the course of studies which shall be pursued, subject, however, to a rejection by a unanimous vote of the President and Trustees of the said University, and they are hereby empowered to grant such degrees as are usually granted by similar institutions in the United States and Germany.

Sec. 7. Be it further enacted, That no person shall be eligible to a Professorship in said University, who does not understand both the German and English languages, unless by a unanimous vote of the Trustees, such qualification shall be disregarded.

Sec. 8. Be it further enacted, That no religious qualification, or test of any kind, whatever, shall be requisite, in order to become a Trustee, Professor, Instructor, or Student, in said University, and the Theological faculty shall never be styled by the name of any singular religious confession, but Protestant Faculty.

Sec. 9. Be it further enacted, That the lands, public buildings and other property, belonging to the Herman's University are hereby declared to be free from any kind of public tax.

Sec. 10. Be it further enacted, That the President and Trustees of said University shall have Corporate jurisdiction within a half mile in any direction from said University to suppress and abate nuisances; they shall have power to levy and exact fines upon all retailers of spirituous liquors within said jurisdiction, in a sum not less than twenty-five, nor more than one-hundred dollars, which fines shall be sued for, before any Court, having jurisdiction, and upon judgment, shall be collected as other fines in favor of the Republic, and the proceeds thereof, shall be paid over to the Treasurer for the use and benefit of the University.

Sec. 11. Be it further enacted, That the location of said University shall be at some place to be designated by the President and Trustees, near Mill Creek or Cummins Creek.

Sec. 12. Be it further enacted, That the aforesaid President and Trustees are, hereby, authorised to locate and have surveyed, for the use of said University, one league of any vacant lands of the Republic of Texas, and the Commissioner of the General Land Office is hereby required to issue a patent for said land whenever the survey thereof shall have been made, according to law.

Approved January 27th, 1844.

AN ACT

Supplementary to "An Act regulating the sale of Runaway Slaves," approved January fifth, one thousand eight hundred and forty-one.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be lawful, hereafter, for any person, or persons, who may apprehend and commit to jail any runaway slave, or

slaves, on or west of the San Antonio River, to demand and receive the sum of fifty dollars for each and every slave, so apprehended, provided, said slave, or slaves be so secured that the property come safely to the possession of the owner, to be paid upon the delivery of such slave or slaves to the owner thereof, or his authorized agent; and the person, or persons, apprehending such slave, or slaves, shall have a lien on the same, until the reward specified, as aforesaid, be paid.

Sec. 2. Be it further enacted, That in all cases where any slave or slaves shall be apprehended and delivered to the owner at his residence, it shall be lawful for the person, apprehending and delivering such slave or slaves, to demand and receive, for each slave so apprehended and delivered, in addition to the sum specified, as aforesaid, the further sum of two dollars for every thirty miles he may travel in going to, and returning from, the residence of said owner, the distance to be computed over the shortest route travelled at the time, and to have a lien upon the slave, or slaves, for the payment of the same, as provided for in the first section of this act.

Sec. 3. Be it further enacted, That the provisions of the second section of this act shall extend to persons apprehending runaway slaves in any part of the Republic, provided, said slaves are delivered by the apprehender to the owner thereof, at his or her residence.

Sec. 4. Be it further enacted, That if no owner appears and claims any slave or slaves so apprehended, and the same be sold under the provisions of the act to which this is a supplement, then and in that case, it shall be the duty of the sheriff to pay over to the person, or persons, apprehending such slave, or slaves, the reward prescribed by the provisions of the first section of this act; provided, that the sheriff shall take, in writing, the testimony on which the claim to the reward is admitted, and that the same be filed in the office of the Clerk of the County Court.

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

Approved, January 27th, 1844.

AN ACT

Supplementary to "An Act to locate a Road from Washington to the Sabine River," approved December fourteenth, one thousand eight hundred and thirty-nine.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That C. C. Hart, of Jasper county, Arthur Garner, of Liberty county, and Joseph Lindley, of Montgomery county, are, hereby, appointed Commissioners to lay off, and mark out, said road; for which they shall receive no compensation, unless the counties, through which the road may pass, should choose to compensate them, and said road shall be opened in the counties of Liberty and Jasper, by said counties, sufficiently wide for carriages to pass.

Sec. 2. Be it further enacted, That such parts of said law, as comes in contact with this act be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved January 27th, 1844.

AN ACT

To provide for the carrying of the Public Mails, for the year one thousand eight hundred and forty-four, and establishing the Rates of Postage.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State, is, hereby, authorized and required, to cause the transportation of mails, on proper post-routes, through this Republic, in such a manner, that the Seat of Justice in each county (except the counties of San Patricio, Refugio, and Goliad) shall have a weekly mail. He shall also be empowered to establish such other routes on which the mails may be transported each week, or each fortnight, as the

public interest may require; provided, the revenue on such other routes shall have a probability of amounting to one-fourth part of the cost of transportation on the same.

Sec. 2. Be it further enacted, That the cost of transporting a weekly mail shall not exceed ten dollars, per mile, and the cost of transporting a mail each fortnight, shall not exceed seven dollars and fifty cents per mile; and in establishing any post-route beyond those necessary for giving the county seats a weekly mail as above-specified, the expenses shall not go beyond the amount that may be allowed in the general appropriation for carrying the mails for the year one thousand eight hundred and forty-four.

Sec. 3. Be it further enacted, That all contractors for carrying the mails, on routes that may be thus established, shall, whenever they fail of carrying the mail, from any cause whatsoever, for one week, forfeit out of their pay, one-half of the amount they should receive for carrying that mail for one week, and if they fail more than one week, at one time, they shall forfeit all pay for the time lost.

Sec. 4. Be it further enacted, That the following rates of postage shall be established, to wit: each single letter, distance less than one hundred miles, twelve and a half cents; each single letter, distance one hundred miles and upwards, twenty-five cents; each double letter, double the above rates; each treble letter, treble the rates, and each packet of one ounce, quadruple the above rates, and any larger packet in proportion according to its weight. On ship letters six and one-quarter cents; way letters, six and one-quarter cents. On newspapers, conveyed one hundred miles and under, one cent; over one hundred miles, two cents, and on foreign newspapers, one cent, in addition to the foregoing rates; on books and pamphlets, per sheet, the same as newspapers. The postage to be paid in gold, silver, or exchequer bills, and the post-masters to make quarterly returns to the Secretary of State.

Sec. 5. Be it further enacted, That the contracts for carrying the mails, shall be let out in the mode heretofore adopted, and each contractor as well as each post-master, shall be required to give sufficient bond, with two or more good securities, conditioned for the faithful performance of their duties, which bond shall be filed in the office of the Secretary of State,

and be sued upon, for the recovery of damages, whenever the persons so bound shall become delinquent.

Sec. 6. Be it further enacted, That the mail running from Nacogdoches to Henderson, in the county of Rusk, be continued to Marshall in the county of Harrison, weekly, as other mails.

Sec. 7. Be it further enacted, That there may be an agent appointed in New Orleans, whose duty it shall be to assort and forward all letters, keep a mail-bag in his office, and shall receive compensation for all trouble and expense, to the amount of one hundred and fifty dollars.

Sec. 8. Be it further enacted, That this act shall take effect and be in force from and after the first day of March next.

Approved, January 27th, 1844.

AN ACT

To repeal certain Loan-Laws.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all laws authorizing the President to negotiate a loan or loans upon either the public faith or the hypothecation of the public lands be, and the same are hereby, repealed, and that this act take effect from and after its passage.

Approved, January 27th, 1844.

AN ACT

To amend an act entitled "An act to organize the Militia in the Counties of Robertson and Brazos," approved January sixteenth, 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 so much of the third and fourth sections of the act to which this is an amendment as relates to the election of Colonel, to command the militia in said counties be, and the same is hereby, repealed.

Sec. 2. Be it further enacted, That when any vacancy may occur in the office of Colonel, to command said militia, that the militia of the counties of Robertson and Brazos, shall be entitled to elect a Colonel to command said militia, and that the county of Robertson shall be entitled to elect the Lieutenant-Colonel, and the county of Brazos Major, in like manner, any law to the contrary notwithstanding, and that this act take effect from and after its passage.

Approved January 27th, 1844.

AN ACT

To continue in force an act entitled "An Act for the relief of the Purchasers of Lots in the City of Austin and upon the Town Tract adjoining," approved sixteenth January, 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 all the provisions of an act entitled, "An Act for the relief of the Purchasers of Lots in the City of Austin and on the Town Tract adjoining," approved sixteenth January, one

thousand eight hundred and forty-three, be, and the same are hereby, declared in force twelve months from and after the expiration of the foregoing recited act, and that this act take effect from and after its passage.

Approved January 27th, 1844.

AN ACT

To change, in part, the times of holding the District Courts in the Fifth and Seventh Judicial Districts.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Courts for the county of Sabine, shall commence their sessions, on the first Mondays of March and September, and may continue their sessions, one week; in the county of Jasper, on the second Mondays in March and September, and may continue their sessions, one week; in the county of San Augustine, on the third Mondays of March and September, and may continue their sessions, three weeks; in the county of Shelby, on the third Mondays, after the third Mondays of March and September, and may continue their sessions, two weeks; in the county of Rusk, on the first Mondays of May and November, and may continue their sessions one week; in the county of Nacogdoches, on the second Mondays of May and November, and may continue their sessions, three weeks; and in the county of Houston, on the first Mondays after the fourth Mondays and May and November, and may continue their sessions, one week.

Sec. 2. Be it further enacted, That the District Courts of Fannin, Lamar, and Red River, shall commence their sessions and terminate, as now provided by law, and the District Courts of Bowie county, shall commence their sessions, on the first Monday, after the fourth Mondays of March and September, and may continue their sessions, one week; and in the county of Harrison, on the third Mondays, after

the fourth Mondays in March and September, and may continue their sessions until the business is disposed of.

Sec. 3. Be it further enacted, That all writs, petitions or any other process or proceedings, returnable at any other time, or to any other term, than such as are fixed by this law, shall be returnable, and triable, at the times fixed by this act, and that immediately after the passage of this act it shall be the duty of the Secretary of State, to have the same published in the *National Vindicator*, a newspaper in the town of Washington for three successive weeks.

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

Approved, January 27th, 1844.

A JOINT RESOLUTION

For the relief of Susannah and Thomas Jackson as Mail-Contractors for 1838 and 1839.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the sheriff of Sabine county to receive the Auditor's certificate for four hundred dollars, No. 336, in favor of Susannah and Thomas Jackson for services as mail-contractors for 1838 and 1839, which said Auditor's certificate is dated February 7th 1842, in payment of any direct taxes due in said county, at the same rate that exchequer bills are received for the same.

Sec. 2. Be it further resolved, That it shall be the duty of the Secretary of the Treasury immediately after the passage of this joint resolution to endorse, on said Auditor's certificate, an order to the said sheriff, to the effect as contained in the first section of this joint resolution, and this joint resolution shall be in full force from and after its passage.

Passed January 30th, 1844.

AN ACT

To repeal all laws now in force, authorizing the President to form Colonization Contracts, and to forfeit such as have already been made, where the conditions have not been strictly complied with.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all laws now in force, authorizing the President to make contracts with individuals, or companies, for the purpose of colonizing and settling portions of the unappropriated lands of the Republic, be and the same are hereby, repealed.

Sec. 2. Be it further enacted, That all such contracts, already made, the conditions of which have not been strictly and rigidly complied with, or hereafter fail to be complied with, are, hereby, declared forfeited, and no extension of time or privilege shall be granted to said contractors for the purposes of carrying such contracts into effect.

Sec. 3. Be it further enacted, That no further contract or contracts, shall be made by the President with such individuals, who have already made contracts for the purposes above specified, whereby, any further time, privileges, or facilities, may be granted to said contractors, and the "joint resolution to modify the provisions of an act, entitled 'an act granting land to emigrants,' approved January 16th, 1843," so far as the same relates to any prospective action of the President, in regard to modifying said contracts, or extending the time, as now embraced, in said contracts, whereby the privileges of said company, or their assigns, or representatives, mentioned in said joint resolution, may be increased, be and the same is hereby, repealed.

Sec. 4. Be it further enacted, That it shall be the duty of the Attorney-General, under the directions of the President, to ascertain as fully as possible all the proceedings of said contractors, how far they have complied with their conditions, and in what respects they have failed, and report fully, on said subject, to the next Congress of the Republic, in order that they may take such further action thereon as they may think proper.

Sec. 5. Be it further enacted, That it shall be the duty of

the President, whenever he ascertains that any of the colonization contracts, heretofore made, have been forfeited by a failure to comply with all their provisions, on the part of the contractors, to issue his proclamation to that effect, immediately.

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

Passed by a constitutional majority January 30th, 1844.

AN ACT

To provide for fixing the County Seat of Justice for the County of Washington.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fourth Saturday of February, one thousand eight hundred and forty-four, be fixed as the day for the holding of an election in the county of Washington for the selection of a suitable place for the permanent location of the County Seat of Justice for said county; and it shall be the duty of the Chief Justice of said county, immediately after the passage of this act, to give public notice of said election in the *National Vindicator*, and to issue orders for the holding of said election to the different precincts, at least ten days prior to said election.

Sec. 2. Be it further enacted, That it shall be the duty of the said Chief Justice to receive and make public, by publication in the *Vindicator*, such propositions as may be offered by citizens of the county as inducements in favor of the selection of places recommended as suitable locations for the county seat of said county.

Sec. 3. Be it further enacted, That all propositions submitted to the Chief Justice in compliance with the second section of this act, shall be in the shape of penal bonds, and shall be collectable in law at the suit of the said Chief Justice, or his successors in office, for the use of the county, in the District Court, and the proceeds applied to the erection of county buildings.

Sec. 4. Be it further enacted, That the election for said county seat, shall be conducted as elections for members of Congress, and the returns made to the Chief Justice within ten days after the election, who shall publish the result and declare the place receiving the highest number of votes to be the legal Seat of Justice for said county, provided any one place shall have received a majority of all the votes polled at said election; but in the event no one place shall have received a majority as aforesaid, then and in that case, it shall be the duty of the Chief Justice to proceed to order another election, after giving notice as in the first instance, (putting in nomination the two places that have received the greatest number of votes,) which election shall be conducted and the returns made as heretofore provided, and the place then receiving the highest number of votes, shall be declared the County Seat of Justice; provided, such selection shall not be more than twelve miles from the town of Mount Vernon.

Sec. 5. Be it further enacted, That Wm. W. Buster, George W. Gentry, E. Roddey, James Farquhar, A. M. Lewis, William Jackson, James Cooper and Joshua Graham, of whom three may constitute a quorum to do business, shall be, and they are hereby appointed Commissioners to lay out and sell lots if necessary, and to superintend the carrying out of such propositions as may have been made in behalf of the selected location, and report to the Chief Justice whether or not the bond containing propositions in favor of the said selected place, shall have been strictly complied with by the makers and obligors of the same.

Sec. 6. Be it further enacted, That so soon as the county buildings are received by the Commissioners and reported to the Chief Justice, the clerks of the District and County Courts, sheriff and county surveyor, shall remove their offices and papers to the place selected as the County Seat, and all courts thereafter shall be held at the said County Seat.

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

Approved, January 31st, 1844.

AN ACT

For the protection of 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 authority is, hereby, given to the commander of the troops, on the Western and South-Western frontier, to give full and public notice, in writing, and otherwise, requiring all persons known to have been in arms, against this Republic, since the invasion of General Vasquez in the spring of 1842, to depart out of the Republic, within twenty days from the date of said notice, and after the lapse of said twenty days, it shall be the duty of said commander to arrest any and all such persons, and have them tried by a court-martial, and if they be found to be citizens of this Republic and not in arms against the Government, at the time of their arrest, but guilty of any treasonable offence, said commander shall deliver such person, or persons to the civil authorities; those who are not citizens, and are guilty of any evil practices, or designs against this Government, shall be subjected to any penalty said court-martial may deem proper to inflict.

Sec. 2. Be it further enacted, That the commander of the troops on the Western and South-Western Frontier, concurrently with the Chief Justices of any county, shall make all needful regulations for preventing the Mexican trade from being turned to the injury of the Republic, and they shall have power to grant passports to traders, and make such arrangements, as they may deem proper, in conformity to law.

Sec. 3. Be it further enacted, That it shall be the duty of the captain, or leader of any party of traders, on entering the settlements to present himself to the commander of the troops on the western frontier, or to some Chief Justice, and on retiring, shall require a passport for his or their security, for which they shall pay a fee of one dollar, and the commanding officer, on the West and South-Western frontier, shall arrest any and all persons, going from the western settlements of Texas to the Rio Grande, or coming from the said Rio Grande, into the settlements, that may be found, evading or attempting to evade, the provisions of this law.

Sec. 4. Be it further enacted, That the officer, in command of the troops, on the Western and South-Western frontier, is hereby authorized to summon a court-martial for the trial of any, and all persons, who may be arrested, under the authority given by this act, which court-martial shall be composed of five commissioned officers, if there be so many under the command of the superior officer of the frontier, but if there shall not be so many commissioned officers, then the said commanding officer, shall summon a sufficient number of privates, to compose the said court-martial which shall not be less than six persons, who shall be sworn by the said commanding officer, whose duty shall be to determine the matters submitted to them, according to the testimony given, touching the matter.

Sec. 5. Be it further enacted, That those who are found passing from one country to another, without such passports, as is contemplated by this act, but against whom no other offence is proven, shall forfeit all the money and property in their possession, (wearing apparel excepted) and condemned to remain in close confinement at the discretion of the court-martial, before whom they shall be tried; those whom any treasonable practices or designs against this Government can be established, shall suffer death.

Sec. 6. Be it further enacted, That any person or persons, who shall sell or dispose of any ammunition, arms, or other articles of war, to an enemy of this Republic, or to a Mexican trader, shall be guilty of a misdemeanor, and may, on conviction, in the District Court, be fined in a sum not less than five hundred, nor more than one thousand dollars, or imprisoned at the discretion of the Court, which, with all forfeitures, under this act, shall be paid into the Treasury of the Republic.

Sec. 7. Be it further enacted, That it shall be the duty of the commanding officer, on the said frontier, to have all sentences of courts-martial, under the provisions of this act, carried into execution.

Sec. 8. Be it further enacted, That the President of the Republic may order such other, and future regulations, or so modify and restrict the powers, herein granted, as to him the public interest may, from time to time, require.

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

Approved, January 31st, 1844.

AN ACT

To authorize Sylvanus Dunham to establish a Ferry across the Matagorda Bay.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, Sylvanus Dunham, of the county of Matagorda, be and he is hereby, authorized to establish a ferry, across the Bay of Matagorda, from Decrow's Point, Passo Cavallo to the opposite shore Port Calhoun, and that said Dunham shall have the right to make his landings for said ferry, at any point on one side of said Bay, embraced within the limits of Decrow's third of a league of land, and on the other side of the Bay, at any point between what is known as the Old Custom-house and Alligator Head.

Sec. 2. Be it further enacted, That it shall be the duty of said Dunham to provide and keep in good repair all necessary and sufficient boats for the transportation, across said Bay, of all passengers, wagons and other wheel carriages, horses, oxen, and stock of every description, and that, upon the providing and keeping such boats in good repair he shall have the right to use and enjoy said ferry, within the limits aforesaid, for and during the term of ten years.

Sec. 3. Be it further enacted, That the said Dunham shall have, for the said term of ten years, the right to charge the following rates of toll, for crossing passengers, carriages, or stock, at said ferry, that is to say: on all wagons, carts, and pleasure carriages, one dollar each; on each horse, used in drawing pleasure carriages, one dollar each; on each pair of horses or oxen, used in drawing wagons or carts of burthen, one dollar, the driver, in all instances, to pass free; on each horse and rider, one dollar and fifty cents; on horses, mules

and horned cattle, in a drove, seventy-five cents each; on swine, sheep and goats, twelve and a half cents each; on footmen, not drivers to carriages, wagons or carts, fifty cents each; and on freight or goods, twenty-five cents per barrel of five feet.

Sec. 4. Be it further enacted, That the said Dunham shall enter into bond with sufficient security of one thousand dollars, payable to the Chief Justices of Matagorda county, or his successors in office, for all damages that may accrue from neglect of duty; provided, that Congress has a right to increase or diminish the rates of passage, as they may think proper.

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

Approved, February 1st, 1844.

AN ACT

To authorize the holding of the District Court in two places in Red River 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 all that portion of the counties of Bowie and Red River, which is situated south of the Sulphur Fork of Red River, shall be known and styled the Southern Division of Red River County, "and shall vote with, and in every respect be subject to the jurisdiction of the same.

Sec. 2. Be it further enacted, That the District Court for the county of Red River, shall be held in the following places in said county viz; in the town of Clarksville on the third Mondays of March and September, and may continue two weeks, and in the town of Daingerfield, on the second Monday after the fourth Monday in March and September, and may continue one week.

Sec. 3. Be it further enacted, That all the business, of eve-

ry description, belonging to the District, Probate, and County Courts, which originated in the limits of said southern division of Red River county, shall be transmitted to the same, and the same action had thereon, and in the same manner and form, as is provided for the holding of such court, in an act to authorize the holding of the District Court in three places, in Liberty County, and for other purposes, approved January sixth, one thousand eight hundred and forty-four.

Sec. 4. Be it further enacted, That the land district, as now established, shall not be changed; and the county surveyor of Bowie county, shall continue his jurisdiction over the whole territory of said county, as defined by 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," approved January sixteenth, one thousand eight hundred and forty-three.

Sec. 5. Be it further enacted, That the county surveyor of the Judicial County of Paschal is, hereby, required to transmit the map of said county, together with all the papers belonging thereto, to the county of Red River, and the county surveyor of the said Red River is alike required to transmit to the counties of Bowie and Lamar, all the land papers, belonging within their respective land districts, as now established, any law to the contrary notwithstanding.

Approved, February 1st, 1844.

AN ACT

Requiring the Auditor to audit certain Accounts, therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor of the Treasury be, and he is hereby, required to audit the claim of Samuel Highsmith and Myers F. Jones, for the sum of thirteen hundred and fifty-eight dollars and thirty-nine cents, being the balance due them, on their contract, for

carrying the mail in the year 1841, on route No. 30, from the city of Austin to the city of Houston.

Sec. 2. Be it further enacted, That the said Auditor be, and he is hereby, directed to audit the claim of Myers F. Jones, for the sum of two hundred and eighty-six dollars and sixty-seven cents, being the balance due him, on his contract for carrying the mail, in the year 1841, on route No. 21, from Jones' Post-office to San Felipe.

Sec. 3. Be it further enacted, That the Treasurer be, and he is hereby, authorized and directed to issue drafts, in favor of the above-named persons, for their respective claims, on sheriffs, which drafts shall be receivable in the payment of direct taxes.

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

Passed by a constitutional majority, February 1st, 1844.

AN ACT

To extend the Corporate Limits of the Town of Clarksville.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act passed on the twenty-fifth day of December, one thousand eight hundred and thirty-seven, incorporating certain towns therein named, be so amended, as to define the following as the limits of the corporate authority of the Mayor and Board of Aldermen of the town of Clarksville, to wit: commencing at a point, upon the line of a survey made for W. H. Vinney, being due-west of the court-house, thence north, six hundred yards, thence east, twelve hundred yards, thence south, to the point where a south line would intersect the line of Thomas J. Ritchie, thence westwardly, with the said

Ritchie's line, to where the same intersects the line of the aforesaid survey, made for W. H. Vinney, thence with said line, to the place of beginning.

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

Approved, February 1st, 1844.

AN ACT

Allowing District Attorneys ten per centum of all monies collected by them, on Government Liabilities.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, hereafter, district attorneys shall be allowed ten per cent. of all monies collected by them, on government liabilities, on amounts of five thousand dollars, or under that sum, and five per cent. on amounts over five thousand dollars, any law to the contrary notwithstanding, and that this act take effect from and after its passage.

Approved, February 1st, 1844.

AN ACT

Creating a District Court, at the town of Fort Houston, in Houston County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all that territory, within the following boundary, shall be known and styled the Northern Division of Houston County, to wit: beginning at a place, known by the name of Houston's Mound, north of Murchison's Prairie,—thence west-

wardly to the Ioni Village, on the Elk Hart Creek, thence to the Trinity river, and from Houston's Mound (the place of beginning) to Neches river, so as to make a straight line from the Trinity to the Neches river, thence up the Neches river, to the north boundary line of Houston county, thence west with the north boundary line of Houston county to the Trinity river, thence down the Trinity to the above-named line, running direct from the Neches to the Trinity River.

Sec. 2. Be it further enacted, That there shall be a District and Probate Court held at the town of Fort Houston, in the said Northern Division, and that all the business of every description, belonging to the District or Probate Courts, which originated in the limits of said Northern Division of Houston county, shall be transmitted to the District Court, at Fort Houston, and the same action had thereon, in the same manner and form as is provided for the holding of such courts, in an act entitled "An Act to authorize the holding of the District Court in three places in Liberty county and for other purposes," approved January sixth one thousand eight hundred and forty-four.

Sec. 3. Be it further enacted, That the District Court at Fort Houston, shall commence on the second Monday after the fourth Monday in May and November, and shall continue until all the business is finished.

Sec. 4. Be it further enacted, That the Probate Court, at Fort Houston, shall commence on the third Monday in every month, and continue one week, or until the business is finished.

Sec. 5. Be it further enacted, That the Sheriff, Probate Judge, District Clerk and Probate Clerk shall attend the said courts established at Fort Houston, and be governed by an act entitled "An Act to authorize the holding of the District Court in three places in Liberty county and for other purposes," approved January sixth, one thousand eight hundred and forty-four.

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

Approved February 1st, 1844.

AN ACT

To amend an act for the regulation of the coasting trade and the protection of Texian shipping.

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 April, one thousand eight hundred and forty-four, there shall be collected from every foreign vessel, on her taking out a six months coasting license, conformably with an act of the fourth of January, one thousand eight hundred and forty-one, to which this is an amendment, a semi-annual tonnage duty, of one dollar and twenty-five cents for each ton of her burthen, instead of the amount, in such cases, provided for in the act aforesaid.

Sec. 2. Be it further enacted, That from and after the date, above-mentioned, there shall be collected from every foreign vessel, sailing coastwise, under her register, with a cargo received, at one port or place of this Republic, and delivered at another, a coasting tonnage duty of thirty cents for each ton of her burthen, instead of the sum in such cases made and provided in the act aforesaid.

Sec. 3. Be it further enacted, That there shall be collected, in the manner provided in the before-mentioned act, from every Texian vessel of foreign construction, which shall take out a coasting license, from and after the first day of April, one thousand eight hundred and forty-four, an annual tonnage duty of sixty cents for each ton of her burthen, instead of the amount, provided for in the act aforesaid.

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

Approved, February 1st, 1844.

AN ACT

The better to define the Boundary Line between the counties of Austin and Washington, and amend, in part, an act entitled "An Act to alter a part of the Southern Boundary Line of the County of Washington, and a part of the Northern Boundary Line of the County of Austin," approved twenty-ninth January, 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 boundary line dividing the counties of Austin and Washington, being the northern boundary of the former, and the southern boundary of the latter, be, and the same is hereby so defined, and so amended, as to commence at the mouth of Caney Creek, on the western side of the Brasos River; thence up the meanders of the said creek to Mrs. Foster's crossing of the same; thence up the longest source of said creek, to Andy Miller's crossing; thence to the junction of the south-western source; thence to the south-east corner of the Harmon Hensley league of land, so as to include Stephen Williams and Robert Armstead in the county of Washington; and thence, as formerly.

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

Approved, February 1st, 1844.

A JOINT RESOLUTION

Providing for an amendment of the Constitution; and for the establishment of a Supreme Court.

Whereas, owing to the great increase of business in the Supreme Court of the Republic, and under the present organization of our Judiciary System, it is wholly impossible that our Judges can have sufficient time and opportunity to investigate the important questions that they will be called on to decide. And

Whereas, it is believed that a separate and independent Supreme Court of the Republic is absolutely necessary for the due administration of justice, and that the same can be established with but little additional expense to the country, therefore;

Art. 1. That sections seven, eight, and nine, of article four of the Constitution of the Republic of Texas, be changed and amended so as to provide, that the Supreme Court of the Republic of Texas, shall consist of a Chief Justice, and two Associate Judges, a majority of whom shall constitute a quorum to do business.

Art. 2. That the said Judges of the Supreme Court shall be elected at the regular sessions of Congress, by joint ballot of both Houses, and shall hold their offices for the term of six years; their compensation shall be fixed by law, and shall not be increased or diminished, during their continuance in office.

Art. 3. That in the event, that a quorum of said Supreme Court, cannot be had, in any particular case, in consequence of the disability of any one or more of said judges, then the President of the Republic, shall commission some one or more gentlemen, learned in the law, to hear and determine said case or cases.

Art. 4. That should a vacancy occur in the office of Chief Justice of the Supreme Court, or either of the judges

thereof, the President of the Republic of Texas, shall, forthwith, fill the same, by appointment, until the next regular session of Congress, when such vacancy shall be filled by Congress for the balance of the term, by joint ballot.

Approved, February 1st, 1844.

AN ACT

To change the Mail-Route from Montgomery to Huntsville.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the post-route from the town of Montgomery to the town of Huntsville, in Montgomery county, be so changed as to pass along what is known as the Huntsville Road, through Joseph Lenley's settlement, and that a post-office be, and is hereby established at the house of B. F. Burke at Lone Oak, on said road.

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

Approved, 1st February, 1844.

JOINT RESOLUTION

Requiring the Auditor to settle certain Accounts.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby, required to settle the accounts of E. W. Moore, for disbursements of money, received from the Government of Yucatan, and for supplies of provisions and stores, furnished the navy, while in active

service, in command of the maritime force of the Republic, as well as all other accounts for monies, received by him, from the Government of Texas, and other sources, so far as it can be done with the documents, within the reach of the Auditor.

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

Passed, February 1st, 1844.

A JOINT RESOLUTION

In relation to the able and patriotic services of Captain Luis Sanches.

Whereas, in the opinion of this Congress, one of the highest rewards a faithful public servant can receive, for services rendered to his country, and one of the strongest incentives to continue exertions, is the assurance that those services are duly appreciated by that Country; therefore,

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That this Congress entertain a just sense of the important services rendered the country, by Capt. Luis Sanches, in the Mexican and Indian insurrections, in Texas, and also in bringing about peace with the hostile tribes of Indians, on our frontier.

Sec. 2. Be it further resolved, That this Congress repose abiding confidence in the capacity, integrity and patriotism of the said Captain Luis Sanches.

Sec. 3. Be it further resolved, That the President be requested, to cause a copy of these resolutions to be forwarded to said Capt. Luis Sanches.

Approved, February 2d, 1844.

AN ACT

To incorporate the Fannin Artillery, in the City of Houston.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Martin K. Snell, D. E. Smith, John W. Bergin, Gatewood Hale, Ephraim Haines, John W. Moore, Robert Watson, Frederick Rocky, Andrew McStacy, William Ferguson, Joseph Granderriff, and their associates, and successors, be, and they are hereby, constituted a body politic and corporate, under the name and style of the "Fannin Artillery," with power to sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute to final judgment, in any court or elsewhere, to have a common seal, with such device as they may adopt; to elect, in whatever manner they choose, the officers necessary to command them, as a volunteer corps; to establish by-laws, for the government and regulation of their affairs, and the same to alter or amend at pleasure; and to hold real estate, and personal property, and dispose of the same, provided, however, such real estate and personal property, shall at no time exceed ten thousand dollars in value; and that the said company shall never be less than thirty-two men, rank and file, and never exceed sixty-four.

Sec. 2. Be it further enacted, That the said corps shall be exempt from common militia duty, except battalion and regimental reviews, and inspections, on which occasions, they shall join the regiment, and have the extreme right of the line, and be subject to the orders of the commander of the regiment; the members of the said corps shall be exempt from the payment of the road tax, and the service of overseers of the road.

Sec. 3. Be it further enacted, That said corps shall have power by their constitution and by-laws, to hold courts of inquiry, and courts-martial, upon their own members; to try all violations of their ordinances, agreed upon by a majority of the members of the company; to suspend, expel,

and fine, not exceeding one hundred dollars, those violating the by-laws of the said company.

Sec. 4. Be it further enacted, That all fines imposed by a court-martial upon delinquents, or accruing under the by-laws of the said company, shall be collected upon a warrant issued by the Secretary, and countersigned by the commanding officer; the fines collected to belong to the company, except the fines imposed for absence on battalion or regimental musters, reviews, and inspections, which shall be paid into the regimental fund; any constable within the city of Houston, is authorized, and empowered, to levy the warrant, so issued, as aforesaid, and coerce the payment, under the same law that governs constables, in the execution of civil process.

Sec. 5. Be it further enacted, That the officers commanding said corps, shall be one captain, one first-lieutenant, one second-lieutenant, one third-lieutenant, who after being duly elected by the said corps, shall be reported through the proper channel, to the War Department, and be commissioned by the President, to serve during the time of their election.

Sec. 6. Be it further enacted, That drafts shall never be made from said company, but it shall, however, be the duty of the corps to take the field, whenever a call of two hundred men is made, in the regiment, including the said corps, provided, that nothing herein contained, shall be so construed, as to authorize banking privileges, and any failure to comply with the provisions of this act, shall work a forfeiture of the charter.

Sec. 7. Be it further enacted, That the Government is, hereby, required to supply the said corps with two brass six-pounder field pieces, with cassoons and apparatus complete; with ordnance stores and munitions of war, also, with small and side-arms, and knapsacks; the captain of the company shall be responsible for the small and side-arms and knapsacks and the company, in its corporate capacity, for the ordnance and ordnance stores, and munitions of war.

Sec. 8. Be it further enacted, That this act of incorporation shall be, and continue in force, for and during the term of ten years, from and after its passage.

Approved, February 2d, 1844.

JOINT RESOLUTION

Moving the Custom-house of the District of Calhoun from Port Calhoun to Port Caballo.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be authorized and required, to have moved the Custom-house, and such other public building or buildings of the Port of Calhoun, the present location, to Port Caballo: provided, the proprietors of Port Caballo donate to the Government, a suitable lot or lots in said town, for the erection of the public buildings.

Sec. 2. Be it further resolved, That the Collector of said District of Calhoun, shall keep his office, and perform the duties thereof, at Port Caballo.

Sec. 3. Be it further resolved, That so much of an act entitled "An Act to discontinue and abolish certain Ports of Entry, and to establish, instead thereof, a Port of Entry, to be called Port Calhoun," approved January twenty-first, one thousand eight hundred and forty-one, as requires the Custom-house for the said District to be located at Port Calhoun be, and the same is hereby, repealed, and this joint resolution take effect from and after its passage.

Approved February 2d, 1844.

JOINT RESOLUTION

For the relief of Midshipman, Andrew Jackson Bryant.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Andrew Jackson Bryant, on account of having been severely wounded on board of the sloop of War Austin, in an action with the Mexican steamers Guadalupe and Montezuma, off

Campeachy, on the 16th of May last, and on account of the bravery and spirit displayed by him, is entitled to, and may receive a yearly pension, equal to the half part of a midshipman's full pay, and said pension shall be paid to said Bryant annually, so long as he may continue disabled from the wounds received in said action.

Sec. 2. Be it further resolved, That John Norris, Thomas Barnett, George Davis, James Brown, and Terence Hogan, seamen disabled for life in the service of the country, may receive a yearly pension, equal to the half pay of seamen.

Approved, February 2d, 1844.

AN ACT

To define and fix the practice of Probate Courts in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when further time, after the expiration of one year, is granted to any administrator, or executor, to settle the estate of his testator, or intestate, such executor, or administrator, shall not be required to execute a new bond, for the faithful performance of his duties, but the original bond of such executor, or administrator, shall be deemed and held as sufficient, and binding, until the final settlement of the estate, except in cases where new security is specially required by the existing probate laws.

Sec. 2. Be it further enacted, That whenever there may be outstanding bonds, obligations, or contracts in writing, for the conveyance of lands, or tenements, against the estate of any deceased person, which it may be to the interest of said estate should be lifted, or complied with, it shall be the duty of the Probate Court, where the succession was opened, or where the same was or may be administered, upon an application by petition of the executor, or executrix, administra-

or, or administratrix, or guardian, where all the heirs are minors, and have such guardian, after full proof of the existence of such bond, obligation, or contract, in writing, and upon satisfactory evidence, that a compliance with the requirements of said bond, obligation, or contract, would be beneficial to the interests of said estate, to decree, that the person, thus applying, shall fully comply with the same, and any deed, or tender of deed, made, under such decree, shall be as valid, and binding, as if it had been made or tendered by the testator, or intestate, himself.

Sec. 3. Be it further enacted, That such bond or contract, thus complied with or tendered to be complied with, shall exonerate the estate from all liability, or responsibility, on such instrument, and the Probate Court shall take possession of such instrument of writing, and file it among the papers of the court, and where the same is complied with, it shall be cancelled by the Probate Judge, and all the testimony heard under the second section of this act, shall be taken down in writing, signed by each of the witnesses, and preserved among the records of the Court: provided, that minors and all persons laboring under disabilities, recognized by the statute of limitations, shall have three years after such disabilities are removed, to set aside all deeds, or judgments, made by virtue of this act, for fraud, covin, and collusion, or any other causes that should vitiate the same.

Sec. 4. Be it further enacted, That when bonds, or obligations, are outstanding against any deceased person, for the conveyance of lands, suits may be brought in the District Courts, against the executor, administrator, or guardian, (as the case may be,) and upon full proof being made of the justness of the same, the Courts shall decree a title, in favor of the heirs of said estate, or wards, (as the case may be,) and such title shall be as good as if made by the original obligor.

Sec. 5. Be it further enacted, That executors, administrators, or guardians, may bring and sustain all actions for the recovery of titles upon such bonds, obligations, or contracts, and all actions necessary to recover the possession of lands, which are held by any person, or persons, adversely to the estate which he represents; and this act shall be in full force from and after its passage.

Approved, February 2d, 1844.

AN ACT

To repeal, in part, and amend "An Act regulating the Duties of Probate Courts and the settlement of Successions," passed at the fourth Congress and approved February 5th 1840.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the fourteenth section of the above-recited act, as authorizes persons who shall be appointed to make partition, or a majority of them, "to call in one or more surveyors to run the lines of any lands, and also the divisional lines thereof," be and the same is, hereby, repealed.

Sec. 2. Be it further enacted, That the persons who shall be appointed to make the partition contemplated in said act, be, and they are hereby, authorized to call in the county surveyor, or his legal deputy, to run the lines &c., contemplated in said act, for which services the said surveyor shall receive the same pay as now allowed by law.

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

Approved, February 2d, 1844.

AN ACT

To protect the Property of Texian Prisoners of War.

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, no forced sale shall be made of any property belonging to any citizen of Texas, who is or may be a prisoner of war, until release or death of said prisoner, or in the event of his death, administration upon his estate.

Sec. 2. Be it further enacted, That the act of limitations, as far as such prisoner shall be affected, either as debtor or creditor, shall remain suspended during the time of his captivity.

Sec. 3. Be it further enacted, That when satisfactory proof shall be made to the Chief Justice of the county, where any such prisoner had his residence, preceding his captivity, that the property of such prisoner is liable to waste, or that his rights may be affected, it shall be the duty of said Chief Justice to appoint a suitable person, under sufficient bond and security as curator of said prisoner, which curator shall take charge of the effects of said prisoner and protect the same to the best of his power and ability.

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

Approved February 2d, 1844.

JOINT RESOLUTION

For the relief of Henry M. Smith, Sheriff of Galveston County.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the County Court of Galveston county be, and they are hereby, authorized to levy a tax upon the citizens of the county of Galveston, sufficient to liquidate the claim of Henry M. Smith, for the support of criminals, amounting to the sum of eight hundred and sixty-four dollars and sixty-three cents.

Sec. 2. Be it further resolved, That the assessment and collection of said tax, shall be in the same manner as prescribed by law, for the assessment and collection of direct taxes.

Sec. 3. Be it further resolved, That the taxes, assessed and collected as provided in this act, shall be paid to the county treasurer, and by said treasurer paid to the said Henry M. Smith, or to his order, and in case of a failure of assessor,

collector, and county treasurer, faithfully to perform the duties required by this act, such officer, thus delinquent, shall be subject to the same penalties as for delinquency, in other cases, in which their services are required by law; and that this act be in force from and after its passage.

Approved February 2d, 1844.

AN ACT

For the benefit of Settlers in good faith, and to amend an act "To provide the mode of trying Titles to Lands," approved Feb. 5th, 1840.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in the trial of all actions of ejectment or trespass to try titles, after the passage of this act, if the jury find the defendant to be a possessor, in good faith, and a verdict go in favor of the plaintiff, for the lands or tenements, sued for, the said plaintiff shall not recover pay for the use and occupation of the premises, prior to the filing of the suit.

Sec. 2. Be it further enacted, That in all suits, hereafter instituted, the plaintiff shall in no instance recover from the possessor, in good faith, pay for the use and occupation of the premises in dispute, where the improvements have been made by the defendant himself or those under whom he claims, or from whom he purchased, unless the plaintiff can prove, that previous to the institution of said suit, he offered in good faith to refer the question of pay for improvements to arbitrators, and further offered to give bond to defendant in a sufficient amount to comply with the award, and shall further prove, in case an award was rendered in favor of defendant, that the amount of said award was tendered to said defendant previous to the institution of the suit or unless the plaintiff can prove that he tendered to the defendant, previous to the institution of said suit, pay sufficient for the im-

provements made, in good faith, by the said defendant, or those under whom he claims by purchase or otherwise.

Sec. 3. Be it further enacted, That section seventh, of "An Act to provide the mode of trying titles to lands" be so amended as to allow the plaintiff, in case a verdict and judgment should pass against him, and he should determine to appeal to the Supreme Court, and the said Supreme Court should decide against said plaintiff, he the plaintiff shall have one year from the decision of said Supreme Court to bring a second action, and in case a second verdict and judgment should pass against the plaintiff, nothing contained in the act to which this is a supplement, shall be so construed as to prevent an appeal from said second verdict and judgment.

Sec. 4. Be it further enacted, That should the defendant, in any action of ejectment or of trespass to try title, be able to show, that the plaintiff has failed to pay the state taxes that may accrue, on the lands in controversy, after the passage of this act, or that have accrued, by assessments, already made, the plaintiff shall forfeit all right to pay for "use and occupation," and certificates of the Secretary of the Treasury as to the returns of assessments made, or the want of assessments, in particular instances, or the neglect of payment of the amount assessed shall be competent evidence, in the trial in all suits, contemplated by this act, provided, that other testimony of a legal character shall not be excluded, provided, further, that the defendant, to entitle him to the benefits of this section, shall show that he has paid the taxes due on the land claimed by said defendant during his occupancy of the same.

Sec. 5. Be it further enacted, That the plaintiff or his attorney shall not be required hereafter to make any endorsements on the copies of petitions, nor shall the defendant be required to put in any other plea than the one of "not guilty" and if the defendant, under a suggestion of good faith, introduce evidence as to the value of improvements, the plaintiff shall be permitted by way of rebutting testimony, to show the value of the lands in controversy, without taking into consideration the increased value thereof, by reason of such improvements, as shall have been made by the defendant or those whose estate he has, or under whom he claims by purchase or otherwise, and also the value of the use and occupation of said lands.

Sec. 6. Be it further enacted, That where there is no dispute, as to the lines or boundaries of the land in controversy, or where the defendants admits, that he is in the possession of the lands or tenements included in the plaintiff's claim or title, an order of survey shall be unnecessary, any law to the contrary notwithstanding.

Sec. 7. Be it further enacted, That it shall be the duty of Secretary of State, immediately after the approval of this act to cause the same to be published in some public Gazette in the town of Washington, and this act shall take effect and be in full force, within ten days after its passage.

Approved, February 2d, 1844.

AN ACT

Authorizing the Sheriff of Rusk County to collect the State and County Tax of said county, for the year one thousand eight hundred and forty-two, 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 Sheriff of Rusk county be, and he is hereby, authorized and required to collect the state and county tax, due and unpaid, from the citizens of said county of Rusk, for the year, one thousand eight hundred and forty-two.

Sec. 2. Be it further enacted, That said sheriff, after collecting said taxes, shall be, and he is hereby, required to pay over said state taxes to the Treasury of the Republic of Texas, and the county taxes so collected, into the county treasury of said county of Rusk.

Sec. 3. Be it further enacted, That the county of Rusk shall assume the payment of the liabilities of Nacogdoches, incurred during the year one thousand eight hundred and forty-two, to the citizens of Rusk county, for jury services, so far as the tax collected by the sheriff for one thousand eight

hundred and forty-two, will extend, and the county tax of said county shall be so applied by the proper officers.

Sec. 4. Be it further enacted, That the treasurer of Rusk county shall pay off the claims against Nacogdoches county holden by the citizens of Rusk county, as long as he has any of the proceeds of the taxes of one thousand eight hundred and forty-two, on hand.

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

Approved, February 2d, 1844.

AN ACT

To alter and amend the various acts relating to the Duties of Chief Justices, and prescribing the manner in which Commissions shall be issued, 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 first day of February, one thousand eight hundred and forty-four, the commissions of Sheriffs, Coroners, Assessors, Collectors of Customs, and all other officers whose duty, in any wise, appertain to the collection of the public revenue, shall emanate from the Treasury Department, and be countersigned by the Secretary of the Treasury.

Sec. 2. Be it further enacted, That the commissions of all military and naval officers shall be issued and countersigned by the Secretary of War and Marine.

Sec. 3. Be it further enacted, That the commissions of all district attorneys, judges of the district courts, and clerks of the district and county courts, shall emanate from the Law Department, and be countersigned by the Attorney-General.

Sec. 4. Be it further enacted, That the commissions of all county surveyors shall be issued and countersigned by the Commissioner of the General Land-Office.

Sec. 5. Be it further enacted, That the commissions of all

other officers shall emanate from the State Department, and be countersigned by the Secretary of State.

Sec. 6. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, the Secretary of War and Marine, the Attorney-General and the Commissioner of the General Land-Office, to keep exact registers of all officers, whose commissions shall have been countersigned by them, respectively, and to furnish, regularly, upon the issuing of any commission, a memorandum of the same, together with the date of the resignation, death, removal, expiration of the term of office &c. of the predecessor in office, (as the case may be,) to the Secretary of State, who shall cause to be kept in his office a full and complete register of all officers, commissioned by the President.

Sec. 7. Be it further enacted, That the bonds of the clerks of the District Courts shall be filed in the office of the Attorney-General, instead of the office of Secretary of State, as heretofore required by law. The bonds of the county surveyors shall be filed in the office of the Commissioner of the General Land-Office, instead of the office of the Secretary of State, as heretofore required by law; the bonds of post-masters shall be filed in the office of the Bureau of the General Post-Office, as now required by law, and it shall be the duty of the Chief Clerk of the Post-Office Bureau to conform to the provisions and directions specified in the sixth section of this act. The Secretary of State shall cause to be delivered to the Attorney-General and Commissioner of the General Land-Office, respectively, such of the bonds of the clerks of the District Courts, and county surveyors, as may be on file in his office.

Sec. 8. Be it further enacted, That it shall be the special duty of the President to prescribe, in conformity with the constitution and laws, the forms of all commissions; and no commission shall be delivered to officers elected who are required by law to execute bonds, until such bonds shall have been duly executed, and the approval of the securities, in such bonds, by the Chief Justice, endorsed thereon, and until the same shall also have been recorded in the office prescribed by law, and received, and placed on file, in the proper offices, as directed by the provisions of former laws, and this act.

Sec. 9. Be it further enacted, That it shall be the duty of each and every Chief Justice, or Associate Justices acting, to make full and complete returns of all elections for civil of-

ficers, held in their respective counties, and which shall contain a statement of the name of the predecessor in office, together with the date of his resignation, death, expiration of the term and so forth (as the case may be) within twenty-one days from and after the day of holding said election, to the Secretary of State, who shall furnish a statement of the result thereof to that particular department, or office, from which, by the provisions of this act, the commissions are required to emanate, and also to forward, within the same period, the bonds of such of their officers as are required by law to execute bonds (except such bonds as under the provisions of existing laws, should be filed in the office of the Clerk of the District or County Court) to that department or office in which the same are required, by the provisions of former laws and this act to be filed; and it shall be the further duty of the Chief Justice, or Associate Justices, acting, in making the returns of the election of civil officers, whose bonds are required by law to be filed in the office of the Clerk of the District or county Court, to state that their bonds have been duly executed, that the securities therein have been approved, and that the said bonds have been recorded and filed as required by law.

Sec. 10. Be it further enacted, That hereafter it shall not be lawful for the Chief Justice and Associate Justices to hold any of the regular sessions of the county courts, nor shall any associate judge of the county court hereafter have any connexion with the probate courts in the transaction of probate business, and the Commissioners' Court shall only meet twice in every year, to wit: on the first Mondays of January and July.

Sec. 11. Be it further enacted, That this act shall be in force from and after its passage.

Approved 3d February, 1844.

JOINT RESOLUTION

For the relief of the Minute Men created under an act, approved February fourth, 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 Secretary of War is, hereby, authorized to receive, of the different captains, or commanding officers of the minute companies, who have rendered services in the year, one thousand eight hundred and forty-one, duplicate muster-rolls, upon the said officers making oath, that said rolls are true copies of the originals, and also making proof to the satisfaction of the Secretary of War, that the services for which said rolls are presented, were sanctioned by the Chief Justice of their respective counties, and otherwise performed, according to the law entitled "An Act to encourage frontier protection," approved fourth February, one thousand eight hundred and forty-one.

Sec. 2. Be it further enacted, That the said rolls, when presented and duly proven as above prescribed, shall be sufficient vouchers in the War Department, to enable the said minute-men to receive their pay, to which they are entitled, under the act creating the same, from the appropriation made for minute men, approved third February, one thousand eight hundred and forty-two.

Sec. 3. Be it further resolved, That each officer and soldier having served in said companies, shall, after returns and settlements shall have been made, as above described, receive the one-half of his claims, for said minute services, in exchequer bills, under the appropriation bill, approved third of February, one thousand eight hundred and forty-three, and for the other half an audited certificate.

Sec. 4. Be it further resolved, That on liquidation of any of said rolls under this provision, the original, should there be one returned to Austin, shall be cancelled.

Sec. 5. Be it further resolved, That this joint resolution shall go into effect from and after its passage.

Approved, February 3d, 1844.

AN ACT

To regulate the Fees of County Clerks in certain cases, and the Fees of Chief Justices for taking depositions.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of an act, approved January sixteenth, one thousand eight hundred and forty, as allows county clerks to demand three dollars for issuing a license, and also, so much of an act approved, February fifth, one thousand eight hundred and forty, as allows said clerks to demand five dollars for issuing a license, be, and the same are hereby, repealed; and that from and after the passage of this act, the county clerks shall be entitled to one dollar for each and every license, issued by them, and no more.

Sec. 2. Be it further enacted, That hereafter the fees of chief justices of counties, notaries public, or two justices of the peace, or other officer, for taking down answers to interrogatories, by virtue of a commission directed to them, shall be thirty cents for every hundred words by them required to be written, together with fifty cents for attaching the official seal or certificate thereto.

Passed, February 3rd, 1844.

AN ACT

To prescribe the mode of serving process, or notice, in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when any party to a suit is or may be, a non-resident, within the limits of the Republic of Texas, the writ or process sued out may be served, by publishing a notice to the absentee to appear and defend the suit, in some newspaper, printed in the county or in the Republic, nearest to the county in which suit is or may be instituted, for four successive weeks, before the holding of said court, provided, the plaintiff, his agent or attorney, shall alledge in the petition that the party, or parties, is or are absent from the Republic, and file with the petition an affidavit of the truth of the allegation.

Sec. 2. Be it further enacted, That in cases of application for a divorce should the petitioner declare in his or her petition that although the defendant may be a resident of the Republic, his or her residence is unknown, or transient, upon an affidavit to that effect, process may be served in the same manner as provided for in the first section of this act, provided, that in none of the cases, provided by this act, shall final judgment be rendered, at the first term of the court, unless the defendant appears, and further provided, that such publications shall specify the names of the parties, the court wherein the suit is depending, the nature of the action, and if money be claimed, the amount thereof, and further provided, that in cases now on the docket, where publication has already been made, in accordance with the practice, heretofore adopted by the courts, judgment may be taken final, at the first term of the court, without publication as above required, in suits hereafter to be commenced.

Sec. 3. Be it further enacted, That when the defendant is a non-resident, notice to take depositions may be served by publication four weeks as prescribed in the first section of this act.

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

Approved, February 3rd, 1844.

AN ACT

To prescribe the mode of settling the Claims of Creditors of the Estates of deceased persons, in certain cases.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in all cases in which there may be debts due the estate of any deceased person, or property sold by the executor, or administrator thereof, prior to the first day of May eighteen hundred and forty-two, or upon contracts made by the deceased, in his lifetime, and prior to said first day of May, 1842, it shall be the duty of the Chief Justice of the Probate Court, upon a representation of the facts, by petition, by the administrator, or executor, to cause the creditors of the estate to be notified to appear, at some specified term of the court, and have their claims settled, which notice shall be personal, or by publication in some newspaper, nearest the place of the opening of the succession, for three weeks successively.

Sec. 2. Be it further enacted, That when the time for said settlement shall arrive, the Court, after ascertaining the amount due to each, and what proportion of their respective claims, the estate will be able to pay, shall cause the executor, or administrator (as the case may be,) to transfer to each of the several creditors, so much of the credits thereof, at their appraised value, as may appear to be their respective proportion; provided, that the same shall be taken and held to be in full and perfect satisfaction of their claims, to the amount received.

Sec. 3. Be it further enacted, That should any of the creditors be unwilling to receive said credits, in satisfaction of their claims, the Court shall set apart such proportion thereof, as they may be entitled to, and the settlement shall take place, as to the other creditors; the claims, thus set apart, shall be retained by the executor or administrator, or filed in the Probate Court Clerk's office, until the same can be collected, and the proceeds thereof paid over to the creditors, entitled to receive the same.

Sec. 4. Be it further enacted, That executors and administrators shall, in the settlement of their accounts, be al-

lowed all payments, made in compliance with the provisions of this act.

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

Approved February 3rd, 1844.

AN ACT

To authorize the holding of the District Court in two places in the County of Fannin 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 District Court, for the county of Fannin, shall be held at Bonham, as heretofore, and at the place of residence of Seamon Bradley. That all the territory in said county, lying west of a line, beginning at the mouth of Choctaw Bayou, and running thence due south to the southern boundary line of said county, shall constitute, and be called, the Western Section of said county of Fannin; that the said District Court, shall be held at the said Bradley's, in the western section of said county, on the last Mondays in the months of February and August, in each year, and may continue in session, one week; that all the business, originating in said western section of said county, shall be returned to the place of holding the District Court, for said section; that it shall be the duty of the clerks, and the sheriff, of said county, to attend said courts, and the clerk shall cause to be kept, at said place of holding said court, a record of the proceedings thereof; that all petitions filed, and other process issued, shall pray the summons to be issued thereon, to be returnable to the place of holding the court in the section in which the business originates, and the clerk shall so issue his summons or notice, and the sheriff shall make his returns accordingly;

and all executions, and other process, of any description whatever, that may issue, either by the court, or upon the proceedings of said court, shall be made returnable to the place of holding the same; that it shall be the duty of the assessor for the county of Fannin, to return in the District Clerk's Office, for each district, in this act provided for, the name of each individual, liable to serve upon juries for the same, from which the juries, both grand and petit, shall be drawn as now provided for by law; and it is hereby made the duty of the Sheriff for said county, immediately after the passage of this act, to make out as accurately as he conveniently can, a list of all the names of all persons liable to serve upon juries in each district, specified in this act, and return the same into the clerk's office, at the place of holding court for the same, from which list the juries shall be drawn for the courts at each place, both grand and petit, until the assessor returns his list as provided for in this act; that it shall be the duty of the Chief Justice of Fannin county, to hold a court, once in two months, at each of the places of holding the District Court, for the transaction of probate business in the respective districts herein specified, all which business he shall transact, without the aid of the associate justices; and it shall be the duty of the clerk, to attend the said several county courts, either by himself, or deputy, and shall cause a record of all the proceedings of said courts to be kept, at the place of holding the same; that all lands and negroes hereafter sold by virtue of any execution, order, or decree of any of the courts, holden in the county of Fannin, shall be sold at the place of holding the court from which the said decree, order, or execution, issued; that this act be in force and take effect from and after its passage.

Approved February 3rd, 1844.

AN ACT

To prevent the obstruction of Navigable Rivers and Streams.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, any person, or persons, who shall obstruct the navigation of any river, or rivers, stream or streams, which can be navigated by steam, keel, or flat-boats, by cutting and felling trees, building dikes, mill-dams, or otherwise obstruct the navigation of such river, or rivers, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not less than twenty-five, nor more than five hundred dollars, at the discretion of the court, one-half of which shall go to the county, where such indictment is found, and the other half to the Republic; which fines so collected to the county, shall be applied to remove such obstruction, by the treasury of said county.

Sec. 2. Be it further enacted, That it shall be the duty of the District Judges, to give this act specially in charge to the grand juries of the several counties.

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

Approved, February 3rd, 1844.

AN ACT

Supplementary to an act, amending the several acts incorporating the City of Houston.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That should the office of alderman, or recorder, become vacant, an election shall be had to fill said vacancy, or vacancies, and

hereafter the recorder shall be elected by the people, and shall have the same power as justices of the peace, in civil and criminal cases.

Sec. 2. Be it further enacted, That no corporation taxes, assessed by the Board of Aldermen shall exceed the one-half of one per cent., and in no case shall a license tax, assessed by said Board, exceed fifty dollars, and that upon the failure of any person, or persons, to pay their quota of taxes, or license, it shall not be necessary to take out execution against such person, or persons, but the assessor's list, in possession of the officer charged by the City Council in the collection of said taxes, shall operate as, and have the force and effect of an execution, and he shall advertise for sale all property, the taxes upon which have not been paid, or sufficient thereof to satisfy the taxes, and that it shall not be necessary to publish such delinquents in the newspapers, but it will be sufficient to post the same in writing, in three public places in said city, for sixty days previous to the sale; provided, however, that said sale shall be made at the court-house of the county.

Sec. 3. Be it further enacted, That nothing in this act shall be so construed as to allow said Board of Aldermen to levy a license tax upon the vender of the produce of the country alone, and in all cases, the corporation change notes shall be taken in payment of the direct and license taxes, at par, and shall not be tendered for any other purposes, except in payment of the direct and license tax of said corporation.

Sec. 4. Be it further enacted, That all parts of laws, contravening the provisions of this act, be, and the same are hereby repealed, and that this act take effect from and after its passage.

Approved February 3rd, 1844.

AN ACT

Authorizing the Chief Justice of Red River County to take possession of the Papers, and Records, of the Miller County Court.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the Chief Justice of Red River County to take possession of all the papers, and records, belonging to the old Miller County Court, relative to deceased persons estates, and place them on file in the Probate Court of Red River County.

Sec. 2. Be it further enacted, That on final settlement with administrators, on all estates, wherein the administration was commenced in the Miller County Court, under the jurisdiction of the state of Arkansas, it shall be the duty of the Probate Judge of Red River County to have reference to the Miller county court papers, and charge the administrators with the whole amount, that he may there find charged against him.

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

Approved, February 3rd, 1844.

AN ACT

To authorize the County of Fort Bend to levy a Tax for a special purpose.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Board of Commissioners of Roads and Revenue, for the county of Fort Bend, be, and they are hereby, authorized, at their regular session in April, one thousand eight hundred and

forty-four, or at any subsequent special session, to which they may be called for that purpose, to assess the additional and special tax of one-third of the amount of what shall be assessed in said county, on behalf of the Republic, for said year one thousand eight hundred and forty-four, on all property, subject to a direct tax, which special tax, shall be applied to the payment of a debt contracted by said county, in the purchase of a court-house for said county; and the collector of the county taxes of said county, for the year one thousand eight hundred and forty-four, shall be required to collect this special tax, at the same time, and in the same manner, that he collects the county tax, and make due returns thereof to the county treasurer; provided, however, that should any law be passed by the Congress, before that time, giving as large an amount of the direct taxes to counties, for county purposes, then this act to be null and of no effect.

Sec. 2. Be it further enacted, That this act shall be in force from and after the first day of April, one thousand eight hundred and forty-four.

Approved, February 3rd, 1844.

AN ACT

Supplementary to 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 landlords shall not have a preference over other creditors, on any portion of the tenant's property, except upon the crop that may be raised on the rented premises.

Sec. 2. Be it further enacted, That the three months lien provided for in the act to which this is a supplement, shall only apply to the crop raised on the rented premises, and to no other property of the tenant; provided, that in no case shall the lien extend, or continue, beyond the first day of Ja-

nuary next, after the maturity of the crop, unless the crop subject to said lien, be found on said rented premises, after said time.

Sec. 3. Be it further enacted, That in all cases before a distress warrant is issued, the party applying for the same, in addition to the requirements in the act to which this is a supplement, shall swear that the writ, or distress warrant, is not sued out, for the purpose of vexing and harrassing the defendant; and the person, applying for the same, with one good and sufficient security, approved by the justice of the peace, shall sign an instrument in substance as follows: "We or either of us promise to pay defendant in this suit (naming him) such damages as he may sustain, in case the distress warrant in this case has been illegally and unjustly sued out," which instrument shall be filed among the papers of the cause, and in case the suit shall be finally decided in favor of defendant, he may bring suit against the plaintiff and his security, on such instrument, or either of them, and shall recover such damages as may be awarded to him by the proper tribunal.

Sec. 4. Be it further enacted, That said act or this supplement thereto, shall not be considered, as in any manner repealing or affecting any act passed, heretofore exempting property from execution.

Sec. 5. Be it further enacted, That if any person, other than the defendant, apply for an order of sale of the property, as perishable property, the justice shall not grant such order, unless the person, applying with one good and sufficient security, approved by said justice, shall file with said justice, a joint and several instrument signed by them, that they will be responsible to said defendant for such damages as defendant may sustain, in case such sale be illegally and unjustly applied for, or should be illegally and unjustly made.

Sec. 6. Be it further enacted, That nothing herein contained, shall be so construed as to prevent landlords and tenants from entering into such stipulations or contracts in regard to lien as they may think proper; provided, that the rights of third persons shall not be thereby affected, unless such contract be reduced to writing and put upon record.

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

Passed February 3rd, 1844.

AN ACT

To amend an Act passed the eighth of January, one thousand eight hundred and forty-one, respecting Wreck-Masters.

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 Wreck-masters of this Republic shall be appointed by the President of the Republic, and controlled by the Collectors of Customs of the several maritime districts of this Republic, who shall each appoint for his district, at least one, and not more than three wreck-masters; and it shall be the duty of each of the persons, so appointed, to attend in the manner, set forth in the act to which this is an amendment, to the saving, and disposing of all property wrecked in his district, or in the part of it allotted to him, if such property be declared to be abandoned by its owner, or the agent or factor for the same, or be found abandoned, no such person appearing.

Sec. 2. Be it further enacted, That it shall not be lawful for the wreck-master, to recover out of the proceeds of any wrecked property, sold by him, as wreck-master, an auctioneer's commission, or any other, in addition to that allowed in the act aforesaid, but he shall be allowed to charge for the services, and mileage, of a crier, at a rate which shall be fixed by the collector in such district.

Sec. 3. Be it further enacted, That in order to award the rate or amount of salvage, on property wrecked, one arbitrator shall be appointed by the wreck-master, in behalf of the salvors, and one other by the owner of the property salvaged, or the agent or factor for the same, or in default of those, by the Chief Justice of the county, in which the wreck happens, and the wreck-master, before appointing an arbitrator, shall notify the salvors of such intent, and if a majority of the whole number of salvors, shall request him to appoint any individual, named and agreed on by them as arbitrators, for the salvors, the said wreck-master shall so appoint such individual, and in case of the arbitrators not agreeing, they shall choose an umpire, who shall decide between them, his awardment not being higher than the rates, or amounts,

awarded by the two arbitrators, and from the decision of the arbitration, an appeal to the Court of Admiralty may be taken by either of the parties or by any portion of either, if the amount in question be such as, by law, would entitle the party to appeal from a magistrate to the District Court, but in such case the party appealing, must notify the opposite party of such intention, within two days after the awardment, appealed from, is made known, otherwise the right to appeal shall be forfeited, and where an appeal is taken, it shall not impede the sale of the property wrecked.

Sec. 4. Be it further enacted, That it shall be the duty of all wreck-masters, in whose district any wreck may occur, to publish, or cause to be published, either in some public journal in said district, or by affixing to the doors of at least three several public places, in said district, a written, or printed notice, with a description of property, offered at said wreck-master's sale, at least ten days previous to the aforesaid sale.

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

Approved, February 3rd, 1844.

AN ACT

To repeal, in part, and amend an act entitled "An Act for the Corporation of the City of Galveston," approved February fifth, one thousand eight hundred and forty.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the second, fifth, eighth, ninth, tenth and eleventh sections of the act, entitled "An Act for the corporation of the city of Galveston," approved fifth February one thousand eight hundred and forty, be and the same are hereby repealed.

Sec. 2. Be it further enacted, That the administration of all the fiscal, prudential and municipal officers of said city,

with the government thereof, shall be vested in one mayor, nine aldermen, one treasurer, and as many subordinate officers, not herein mentioned, as the city council shall direct.

Sec. 3. Be it further enacted, That so much of the third section of said act, above referred to, as prohibits the raising or diminishing of the mayor's salary, during the time of service of any incumbent, be, and the same is hereby, repealed; and the Board of Aldermen, from and after the passage of this act, shall have the power of allowing the Mayor a salary, which shall not exceed the sum of five hundred dollars per annum.

Sec. 4. Be it further enacted, That the Mayor shall be elected by the duly qualified voters of the said city, voting in their respective wards, and three aldermen shall be elected from the first ward, three from the second, and three from the third ward, said officers shall be elected by a plurality of the votes given in, and shall hold their offices for one year, from the first Monday in March, and until others are elected and sworn into their places, and shall severally take and subscribe an oath to perform the duties of their offices, to the best of their abilities, before the Chief Justice, or any justice of the peace resident in said city.

Sec. 5. Be it further enacted, That any free white male inhabitant, who shall have attained the age of twenty-one years, and who shall have resided, at least, twelve months previous to the day of election, in the limits of the city of Galveston, and who shall have paid a corporation tax, at least ten days previous to the day of said election, shall have, and possess, the right to vote, at the election of mayor and aldermen of said city.

Sec. 6. Be it further enacted, That on the first Monday of the month of March, the qualified voters of each ward shall ballot for a mayor and the aldermen of such ward; all the votes given in for the said several officers, respectively, shall be sorted, counted and declared, in open ward meetings, by causing the names of the persons voted for, and the number of votes given for each, to be written in words at length; the ward clerk, within twenty-four hours, shall deliver to the persons elected aldermen, certificates of their election, and shall, forthwith, deliver to the clerk of the city council a certified copy of the record of the election; the Board of Aldermen shall examine the copies of the records of the several

wards, certified as aforesaid, and shall cause the persons whom they shall determine to have been elected mayor, by a plurality of the legal votes given in all the wards, to be notified in writing of his election; and in case the person elected shall refuse to accept the office, the said Board of Aldermen shall issue their warrant for another election; and in case of the vacancy in the office of mayor by death, resignation, or otherwise, it shall be filled for the remainder of the term, by a new election, by a warrant, to that effect, from the Board of Aldermen; in case of a vacancy in the Board of Aldermen, by death, resignation or otherwise, the Board shall order a new election, in the ward in which such vacancy may occur, which election, shall be conducted in the same manner as herein-before provided: the aldermen elected, on the first Monday of the month of March, shall meet on Wednesday following, when an oath for the faithful performance of their duty, shall severally be administered to them by the Mayor, or any justice of the peace, resident in the city.

Sec. 7. Be it further enacted, That the Mayor of the city of Galveston, shall be commissioned by the Chief Justice of said county, and shall have all the powers of an ordinary justice of the peace, in all matters and cases arising under the criminal laws of the country, and shall be authorized, and empowered, to enforce, and carry into effect, such by-laws and ordinance as the corporation of said city shall from time to time ordain. .

Sec. 8. Be it further enacted, That the Mayor shall be President of the Board of Aldermen, without a vote, except in cases of a tie; and in case of the absence, or inability, of the Mayor, the Board of Aldermen shall choose one of their own members as President, pro tempore, who shall possess all the rights and powers of the Mayor, during such absence or inability.

Sec. 9. Be it further enacted, That in case of the death, removal, resignation, sickness, absence or inability of the Mayor, to discharge the duties of said office, the same shall be performed by the President pro tempore of the Board of Aldermen, during such vacancy, inability or absence, until a new mayor be elected, as herein-before provided for, and the President pro tem. thus performing the duties of Mayor, during such time, shall be entitled to receive all the emoluments of said office of mayor; and as often as any vacancy may occur

in the city council, it shall be lawful for the persons performing the functions of mayor, to direct an election in the ward to supply such vacancy, in which the same may happen, for the time for which the member, whose death, resignation or incapacity to serve caused such vacancy, would have been entitled to serve, which election shall be held and conducted in the same manner, as hereinbefore directed, for the annual election of the several wards.

Sec. 10. Be it further enacted, That the words "in the same manner as provided for the election of Recorder," in the thirteenth section of the act entitled "An Act for the corporation of the city of Galveston approved February fifth one thousand eight hundred and forty" be, and the same are hereby repealed.

Sec. 11. Be it further enacted, That the Mayor and Aldermen of the city of Galveston shall have power to levy and collect a tax on all persons and property, both real and personal in said city, provided, however, that the same shall not, in any one year, exceed one-eighth of one per cent advalorem on such property; and no tax shall be levied, unless by consent of two-thirds of the Board of Aldermen.

Sec. 12. Be it further enacted, That it shall be the duty of the collector to notify all persons, who shall have a tax to pay to the corporation of the city of Galveston, the day on which such tax shall become due, and of the place where he shall keep his office, by notice inserted in a newspaper of the city, and posted in three of the most public places of the city, for two months previous to the said day; and it shall be the duty of every person, owing a tax as aforesaid, to pay the same, or cause to be paid, at the office of said collector, and thirty days after the day, fixed for the payment of said taxes, the said collector shall hand over to the city marshal of the said city of Galveston a list of all such persons as have neglected to pay said tax, together with the amounts of the same; and it shall be the duty of said Marshal, on receiving said list, to seize upon any property, personal or real, belonging to such delinquent, or delinquents, and after advertizing, in some newspaper in the said city, for ten days, to cause the same to be sold at public auction, to the highest bidder, for cash, or so much thereof as will pay such taxes, together with the costs of advertizing and selling; provided, however, that in all cases where the taxes and the costs of advertizing are paid

previous to the day of sale of said property, the marshal shall not sell, but deliver over the property, so seized, to the owner thereof; and provided the owner of any real estate, their heirs, assigns or legal representatives, shall have the privilege of redeeming such real estate so sold, within twelve months from the day of said sale, upon paying the purchaser, or purchasers, his, her, or their assignees, or legal representatives, or depositing in the city treasury, for his, her, or their use, the amount of such taxes, with costs and charges, and an advance of one hundred per cent.

Sec. 13. Be it further enacted, That the Mayor and Board of Aldermen shall have power to levy and collect an annual license tax not exceeding those specified in this section, viz: twenty-five dollars on all merchants in the city of Galveston who shall vend goods, wares and merchandize, by the wholesale, and an annual license tax of fifteen dollars on all merchants who vend goods, wares and merchandize, at retail, and an additional license tax of ten dollars per annum, where spirituous liquors, in quantities of one quart and over, are sold; on all grogshops, tippling houses, or places where spirituous liquors, wines or cordials are sold, in quantities less than one quart, an annual license tax of twenty-five dollars; on each billiard table, an annual license tax of twenty dollars; on each nine or ten pin alley, or any game of the kind, an annual license tax of twenty dollars; on each tavern or public boarding house, where spirituous liquors are sold, an additional annual license tax of twenty five dollars; on each restaurant or eating house, an annual license tax of twelve dollars and fifty cents; on each dray, cart, hack, or public carriage, for the carriage of goods, or other articles, or for the conveyance of persons, an annual license tax of five dollars; on each livery stable or stables, where carriages are kept for hire, or where horses are kept for hire, an annual license tax of ten dollars; on each person, selling goods, wares or merchandize, at public auction, an annual license tax of thirty dollars.

Sec. 14. Be it further enacted, That every person, or persons, from whom an annual license tax may be, and, in accordance with the foregoing section, shall be and is hereby required to pay over to the city treasurer, taking his receipt for the same, which receipt shall be presented to the Mayor, and a license, in accordance with said receipt, shall be issued by the Mayor to the party holding said receipt.

Sec. 15. Be it further enacted, That if any person shall engage in any avocation, which, by an ordinance of said city, is subject to a license tax, without first having obtained said license, he, she or they shall be liable to pay one-fourth of the amount of the annual license tax, for each and every week, he, she or they may be thus engaged, and in the same proportion for each day, to be recovered before any justice of the peace, or the District Court, according to the amount, one-fourth part of which shall be paid to the informer or prosecutor, and the balance to the city.

Sec. 16. 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 the ordinances of said city, as contemplated in the foregoing section, 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 show 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 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.

Sec. 17. Be it further enacted, That the Mayor and Aldermen of the said city of Galveston, shall have the power, for the purpose of establishing and maintaining a hospital, to levy and collect from the master, owner or consignee of any vessel, steam-boat or other craft, arriving in the port of Galveston, from a foreign port, the sum of one dollar for every free white passenger, arriving in said port, on board of such vessel, steam-boat or other craft; and they shall have the power to compel all masters, owners, or clerks of all vessels, steam-boats or other crafts, arriving in the port of Galveston, from any foreign port, to furnish a list of the passengers, so arriving, within six hours after arrival, if in daylight, or by nine o'clock the following day, if at night, after their arrival, at the office of the Mayor of the city; and any owner, master or consignee of any vessel, steam-boat or other craft, failing to pay over to the treasurer of the city the sum of one dollar for every free white passenger, arriving in his vessel, steam-boat or other craft, or failing to furnish a list of the passen-

gers so arriving, within twenty-four hours after their arrival, shall be liable to pay a fine of not less than ten, nor more than one hundred dollars, to be recovered as other fines, which fine shall be in addition to the sum of one dollar for each passenger, which may be recovered before any justice of the peace resident in said city; provided, however, that the master, owner or consignee, shall be notified of the existence of the city ordinances, levying such tax, and that the Mayor of said city shall have a seal, to be called the seal of the Mayoralty of said city, which shall be affixed to all proper official acts of the corporation of said city; he shall, by and with the consent of the Board of Aldermen, appoint all measures, weights, gauges, marshals, wharfingers, scavengers, and other officers and ministers, who shall be directed by any ordinance of said city; he shall superintend the police of said city, and make regulations for the watchmen and guards; he shall take care that the laws of the corporation be duly executed; he shall call meetings of the Board of Aldermen, whenever the affairs of the city shall require it; and no order or resolution of the city council, for the disposal of any public property, or the payment of any monies, shall have any force, if the same be objected to, within twenty-four hours, after the passage thereof, by the Mayor, unless two-thirds of the council agree to pass the same, notwithstanding such objection; and, for that purpose, all such orders or resolutions shall be sent by the said council to the Mayor, immediately after the same be passed; provided, that the provisions of this section shall not apply to resident citizens of Texas.

Sec. 18. Be it further enacted, That the Mayor of the city of Galveston, in addition to the annual salary which may be allowed him by the council, shall be entitled to receive for every warrant or commission issued to any officer appointed by him, and for every license by him granted, the sum of one dollar.

Sec. 19. Be it further enacted, That a majority of the members of the Board of Aldermen shall constitute a quorum for the transaction of business: said board may enact such ordinances, and by-laws, for the government of said city (not inconsistent with the constitution and laws of the Republic) as may be deemed proper and shall have the full power to inflict fines, not exceeding one hundred dollars, for each and every breach of city ordinance or by-laws, or of imprisoning

any person who shall be guilty of a breach of city ordinances, for a period not exceeding fifteen days.

Sec. 20. Be it further enacted, That in addition to the qualifications necessary for a voter, no person shall be eligible to the office of alderman, who does not possess a real estate, within the limits of the said city, of the value of one thousand dollars, according to the tax list.

Sec. 21. Be it further enacted, That from and after the passage of this act, the act of incorporation of the city of Galveston, shall consist of so much of the act entitled "An Act for the incorporation of the City of Galveston," approved the fifth day of February, one thousand eight hundred and forty, as is not hereby repealed, any laws to the contrary notwithstanding.

Approved February 5th, 1844.

AN ACT

For the relief of Bryan and others.

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, required to audit the account of Bryan, Austin & Co., for twenty-one hundred and thirty-three dollars and sixty-two cents, for supplies furnished by said Bryan, Austin & Co., for the use of the navy.

Sec. 2. Be it further enacted, That the Auditor be, and he is hereby, required to give the said Bryan, Austin & Co., such signed drafts, equal to the above amount, as said Bryan, Austin & Co. may desire, for their convenience; said drafts to specify on their face, that the same shall draw five per cent. interest, from the twenty-ninth December, one thousand eight hundred and forty-one, until paid.

Sec. 3. Be it further enacted, That William Bryan, one of said firm, shall be permitted to pay the direct taxes that may

be due from said William Bryan, up to the year one thousand eight hundred forty-five, and that after the year one thousand eight hundred and forty-four, the said William Bryan, shall be permitted to use said drafts for the payment of direct taxes, and impost duties, that may accrue and become due, from said William Bryan individually; and that this act take effect from and after its passage.

Approved, February 5th, 1844.

AN ACT

For the relief of McKinney & Williams.

Whereas, the Government of Texas is largely indebted to Thomas F. McKinney and Samuel M. Williams, for advances made to the Government, by the said McKinney and Williams, during our struggle for independence, and

Whereas, the said McKinney and Williams have made to the Government very liberal propositions in regard to the settlement of said debt; therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the account of the said McKinney and Williams, against the Government, amounting to the sum of fifty-four thousand four hundred and eight dollars and eleven cents, is hereby acknowledged to be just and true; and shall be discharged as follows, to wit: the Commissioner of the General Land-Office shall be, and he is hereby, authorized and required to issue land-scrip, to a sufficient amount, to settle and pay the said claim of McKinney and Williams, of fifty-four thousand four hundred and eight dollars and eleven cents: the said land-scrip to be estimated at fifty cents, per acre, and shall be in such form as shall be approved by the President, and shall be signed by the Commissioner of the General Land-Office, and countersigned by the Secretary of the Treasury,

and shall be issued to said McKinney and Williams, whenever they shall produce to said Commissioner-General of the Land-Office a certificate, from the Auditor, that, as appears from his records, no part of said claim for fifty-four thousand four hundred and eight dollars and eleven cents, has heretofore been allowed to said McKinney and Williams.

Sec. 2. Be it further enacted, That the said land-scrip shall be issued in quantities, not less than six hundred and forty, and three hundred and twenty acres, and shall be located, surveyed, and patented, agreeable to the laws now in force in the Republic.

Sec. 3. Be it further enacted, That said McKinney and Williams shall be authorized to surrender to the Secretary of the Treasury any portion of the bonds of the Government held by them, provided, the same shall not exceed the amount advanced by the said McKinney and Williams, in par funds, for the use of the Government, to be determined by the Secretary of the Treasury, by reference to the records of the nation, and receive, in lieu thereof, land-scrip, as provided in the foregoing sections.

Sec. 4. Be it further enacted, That the expenses of surveying said lands shall be paid by McKinney and Williams.

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

Approved February 5th, 1844.

AN ACT

For the better security of Mechanics and others.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That every mechanic, workman, or other person, doing or performing any work, or furnishing any kind of materials, which are used towards the erection, construction, or finishing any building erected under a contract in writing, between the owner and builder, or other person, whether such work, or materials,

shall be performed, or furnished, as journeymen, laborer, cartmen, sub-contractor, or otherwise, and whose demand for work and labor done and performed, or for materials furnished towards the erection of such building, has not been paid and satisfied, may deliver to the owner of such building an attested account of the amount and value of the work, and labor, or materials, thus performed, or furnished, and remaining unpaid, and thereupon, such owner shall retain out of his subsequent payment to the contractor, the amount of such work and labor, or materials, for the benefit of the person, so performing or furnishing the same.

Sec. 2. Be it further enacted, That whenever any such account of labor performed, or materials furnished, on a building erected under a contract in writing, as aforesaid, shall be placed in the hands of the owner of such building or his authorized agent, it shall be the duty of such owner or agent, to furnish his contractor with a copy of such papers, in order, that if there shall be any disagreement between such contractor and his creditor, they may, by amicable adjustment, between themselves, or by arbitration, ascertain the true sum due, and if the contractor shall not, within ten days, after the receipt of such papers, give the owner written notice, that he intends to dispute the claim, or if in ten days after giving such notice, he shall refuse, or neglect, to have the matter adjusted, as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when it becomes due.

Sec. 3. Be it further enacted, That if such contractor shall dispute the claim of his journeyman, or other persons, for work and labor performed, or materials furnished, as aforesaid, and if the matter cannot be amicably adjusted, between themselves, it shall be submitted, on the agreement of the parties, to the arbitration of three disinterested persons, one to be chosen by each of the parties, and a third, by the two persons thus chosen, and the decision in writing of such three persons, shall be final and conclusive in the case submitted.

Sec. 4. Be it further enacted, That whenever the amount due shall be adjusted and ascertained as above provided, and if the contractor, shall not, within ten days, after it is so adjusted and ascertained, pay the sum due to his creditor, with the costs incurred, the owner shall pay the same out of the fund, as above provided, and which amount due may be re-

covered from the said owner by the creditor of such contractor, in an action for money had and received, to the use of said creditor, and to the extent in value of any balance due by the owner to his contractor, under the contract with him, at the time of the first notice given, as aforesaid, or subsequently accruing to such contractor, under the same, if such amount shall be less than the sum due from the said contractor to his creditor.

Sec. 5. Be it further enacted, That if, by collusion or otherwise, the owner of any building, erected by contract in writing, as aforesaid, shall pay to his contractor any money in advance of the sum due on said contract, and if the amount still due to the contractor, after such payment has been made, shall be insufficient to satisfy the demand made, in conformity with this act, for work and labor done and performed, or for materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the account of such work or materials, in the same manner as if no such payment had been made; provided, that the provisions of this act shall only apply to incorporated cities.

Passed, February 5th, 1844.

AN ACT

More permanently to establish the County-Seat of Bowie County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the town of Boston, having received the highest number of votes given for any place within five miles of the centre of the territory, designated in the sixth section of an act, authorizing the location of said county-seat, approved seventeenth December, one thousand eight hundred and forty, be and the same is hereby declared the permanent seat of justice for the county of Bowie.

Approved, February 5th, 1844.

JOINT RESOLUTION

For the relief of certain disabled Seamen and Landsmen.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a sufficient sum of money be, and the same is hereby, appropriated to enable the following disabled seamen, marines and landsmen, wounded in the action of sixteenth of May last, off the coast of Yucatan, or such of them as may be yet living, to receive the one-half of what would be the full pay of each of the hereinafter named individuals, according to his respective station, at the time of being so wounded, Dick Streachout and Thomas Atkins.

Sec. 2. Be it further resolved, That the Secretary of the Treasury be, and he is hereby, required to pay, semi-annually, the above specified pension of half-pay, on application of either of the above-named persons, or their accredited agents, or attorneys, said pension to commence and take date from the time of said individuals becoming so disabled.

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

Approved February 5th, 1844.

JOINT RESOLUTION

For the relief of Holland Coffee.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby, authorized, and directed, to audit and allow the account Holland Coffee, for the sum of eight thousand two hundred and thirty-six dollars and eighty-one cents, upon his producing the proper vouchers, which audited draft shall be receivable, for land-scrip, and placed upon the same terms and provisions, as provided by law, for

the redemption of the promissory notes of the Government, in an act, passed the fifth day of February, one thousand eight hundred and forty-one "authorizing any holder of promissory notes, bonds, funded debt, or any other liquidated claims against the Government, to surrender the same, and receive in lieu thereof land-scrip."

Approved, February 5th, 1844.

JOINT RESOLUTION

For the relief of Edward Dwyer.

Whereas, in the year A. D. one thousand eight hundred and forty-one, Edward Dwyer imported into Port Calhoun, at Port La Vaca, certain goods &c., and paid the duties thereupon, amounting to two hundred and thirty-nine dollars and ninety-three cents, and afterwards re-shipped and carried the same goods to the United States of America, to avoid their falling into the hands of the public enemy; and

Whereas, the said Edward Dwyer subsequently imported, a second time, into the same port, the same goods &c., paying thereupon, a second time, the above-mentioned sum of two hundred and thirty-nine dollars and ninety-three cents, which is not equitable; therefore

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the said Edward Dwyer be, and he is hereby, allowed to import into port Calhoun, port La Vaca, goods &c., free of duty, the duties upon which shall not exceed the sum of two hundred and thirty-nine dollars and ninety-three cents.

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

Passed February 5th, 1844.

AN ACT

To open and establish a National Road.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Jason Wilson, William M. Williams, of the county of Lamar, John Tearey, of the county of Fannin, Rowland W. Box, of the county of Harrison, and James Bradshaw, of the county of Nacogdoches, be, and they are hereby, appointed commissioners to view, mark, and lay out, a road to be called "The Central National Road of the Republic of Texas," from the main Trinity River, beginning at, or within, fifteen miles below the mouth of the Elm Fork of said stream; thence the nearest and best route to the bank of Red River, opposite the mouth of the Kiamisha.

Sec. 2. Be it further enacted, That George W. Stell, of the county of Lamar, be, and he is hereby, appointed a surveyor to survey and measure said road agreeable to the provisions of this act, and the directions of said commissioners.

Sec. 3. Be it further enacted, That it shall be the duty of said commissioners, so soon as they complete the marking of said road, or during the time they are performing that duty, to notify the surveyor of the same, whereupon it shall be the duty of said surveyor, so soon as he may receive such information, to proceed to survey and measure said road; beginning and measuring from the bank of said Trinity River, and shall erect mile-posts of good size, and number the same, and shall also note all water-courses over which said road shall pass, giving their width and general course; and when completed, it shall be the duty of said surveyor, or as soon thereafter as may be convenient, make out a complete map of said road, to be delivered to the said commissioners, and shall also transmit a copy of the same to the Commissioner of the General Land-Office, and it shall be the duty of said commissioners so soon as the said surveyor shall deliver to them a map of said road, to proceed to let out the cutting and opening said road by contract, and for the completion of which the said contractors or undertakers shall be paid in the public lands of the Government, in the manner hereinafter to be spe-

cified; provided, the whole amount for opening and superintending the opening of the road shall not exceed one hundred and sixty acres of land for each mile.

Sec. 4. Be it further enacted, That it shall be the duty of every person, or persons, who may take a contract, or contracts, upon said road to enter into bond and security in a sum equal to the supposed value of the land, which he, she or they shall be entitled to, for said work, payable to said commissioners and their successors, conditioned for the faithful performance of the contracts, on their respective parts, and provided, said contractors, or undertakers, should fail to comply with the contract, so made, he, she or they, shall forfeit and pay said amount, to be recovered before any court having jurisdiction thereof, and all such forfeitures shall, when collected, be appropriated to the use and benefit of the said road, but said bonds to be void upon condition that said undertaker, or contractors, do well and truly execute the work, agreeably to contract, in which event, it shall be the duty of the commissioners to issue a certificate to the one having completed the same, which shall be authority to the Commissioner of the General Land-Office to issue a patent for the same.

Sec. 5. Be it further enacted, That so soon as said road shall be viewed and marked, as heretofore provided, it shall not be lawful for any person, or persons, to locate any lands within five miles of said road, for the space of six months, except those who are engaged in the opening or superintending the same, and they shall only be entitled to locate such as they shall be entitled to, under the provisions of this act.

Sec. 6. Be it further enacted, That the surveyor shall be entitled to twelve hundred and eighty acres of land for surveying and performing other duties as heretofore required, to be located upon any of the unappropriated lands of this Republic, and a certificate assigned by a majority of said commissioners of his having performed all the duties of surveyor, as is by this act required, shall be full and legal authority for the Commissioner of the General Land-Office to issue a patent, or patents, for the same.

Sec. 7. Be it further enacted, That each hand, or assistant surveyor, engaged in the surveying said road, shall be entitled to six hundred and forty acres of land; provided, not more than five hands or assistants shall be engaged in said work,

to be located and patented in the same manner as provided for the principal surveyors; provided, that the principal surveyor shall certify to said commissioners that said assistant or claimant did well and truly perform the duties of assistant surveyor.

Sec. 8. Be it further enacted, That each commissioner appointed or who may be appointed under the provisions of this act, shall be entitled to six hundred and forty acres of land; provided, that none but those who actually serve shall be entitled to the benefits of this section, to be located and patented in the same manner as provided in the preceding section, for the surveyor and his assistants: provided, they shall, before the Chief Justice of some of the counties of this Republic, make oath that he or they have performed the duties required of them, agreeably to the provisions of this act, in which case, the said Chief Justice shall certify to the facts as stated, or deposed, officially, which certificate, together with the certificate of at least one of the commissioners, shall be full authority for the issuing of patents for the same.

Sec. 9. Be it further enacted, That should either of the commissioners appointed by this act, fail or refuse to perform the duties, as herein required of him or them by this act, it shall be lawful for a majority of the same to appoint one in his stead, and should more than two fail or refuse to perform said duties, it shall be the duty of the Chief Justice of the county in which said defaulter resides, to appoint one in his stead, who shall have all the benefits and privileges that would, otherwise, have accrued to the original.

Sec. 10. Be it further enacted, That should the surveyor appointed by this act fail or refuse to perform the duties herein required, it shall be the duty of said commissioners to appoint one in his stead to perform the same, in which event he shall be entitled to all the benefits and privileges that would otherwise have accrued to the original.

Sec. 11. Be it further enacted, That in all cases, a majority of said Commissioners shall be deemed sufficient to transact any business, appertaining to the provisions of this act.

Sec. 12. Be it further enacted, That it may be lawful for said surveyor to make any survey, upon application, upon any claim, originating, under the provisions of this act, and

none other, and provided that said survey be connected to said road.

Sec. 13. Be it further enacted, That every person or persons taking a contract for the opening of said road, shall have a preference to locations, on one side of the road within the limits of their respective precincts, or contracts, but in no case shall any of the surveys, made under the provisions of this act, extend across said road, and provided also, that no survey made under the provisions of this act shall be for less than six hundred and forty acres.

Sec. 14. Be it further enacted, That it shall be the duty of the commissioners to specify in all contracts, made with individuals, for the opening of said road, to specify how said road shall be cleared out, the width of the same, which shall be at least thirty feet wide, and all stumps shall be cut within twelve inches of the surface of the earth, and that all bridges shall be at least fifteen feet wide, and built of good substantial materials, and all contracts shall be completed by the first day of January, one thousand eight hundred and forty-five.

Sec. 15. Be it further enacted, That no patents shall issue for any lands, granted under the provisions of this act, until all the work shall be completed as provided by this act, and a certificate of the fact, certified to by a majority of the commissioners, and deposited in the General Land-Office, shall be sufficient evidence of the work having been completed.

Sec. 16. Be it further enacted, That the foregoing section shall not be so construed as to prevent those who may be engaged in the opening, or superintending the surveying, marking and opening said road, from having the lands to which they would be entitled to, located; provided said work shall be completed, and that this act take effect from and after its passage.

Approved, February 5th, 1844.

AN ACT

For the protection and encouragement of the Commerce of the Republic of Texas.

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 collectors of the various ports of this Republic shall be required to lay upon and collect from all foreign vessels, belonging to powers, between which and this Republic no treaty exists, making other provisions, a tonnage duty of one dollar per ton.

Sec. 2. Be it further enacted, That vessels, bearing the flag of this Republic, have the exclusive privilege of the coasting trade, and that they be free from the charge of tonnage duties on arriving in any ports of this Republic; and that all laws contravening the provisions of this act, be and the same are hereby, repealed.

Approved, February 5th, 1844.

AN ACT

Authorizing the appointment of additional Notaries Public.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be appointed one additional Notary Public, for the county of Montgomery, and two additional Notaries Public, for the county of Liberty, also, one additional Notary Public for Jefferson county, also two additional Notaries Public, for the county of Jasper, also, one additional Notary Public for the county of Harrison,—to be appointed in such manner as prescribed by law, and that this act take effect from and after its passage.

Approved, February 5th, 1844.

AN ACT

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

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-four, to wit:

For pay and mileage of members of the eighth Congress, ten thousand dollars.

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

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

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

For compensation of the Vice-President of the Republic, one thousand dollars.

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

For contingent expenses of the Executive Department, two thousand five hundred dollars.

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

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

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

For contingent expenses of Post-office Bureau, such as printing, fuel, mail-bags, mail-locks, &c., five hundred dollars.

For transporting the mails for the year 1844 and part of 1845, twelve thousand dollars, and all the monies arising from the receipts of the Post-Office Bureau.

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

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

For compensation of the Comptroller, one thousand dollars.

For contingent expenses of the Comptroller's office, including printing treasury warrants, one hundred dollars.

For compensation to the Treasurer, one thousand dollars.

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

For compensation to the Auditor, one thousand dollars.

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

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

For contingent expenses of the War Department and Naval Bureau, eight hundred dollars, including two hundred dollars for claims unpaid, contracted the year 1842.

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

For contingent expenses of the Attorney-General's office, one hundred and fifty 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, five hundred dollars for the pay of portage, fire-wood, repairs of office and stationery, and eight hundred dollars for the pay of surveying land-scrip, four hundred dollars for the pay of connecting surveys, twelve hundred dollars for the pay of county maps, fourteen hundred dollars for the pay of two additional assistant clerks. The foregoing expenses of the Land-Office are not to be allowed or paid, except the office is kept open for the transaction of business.

For compensation for sixteen clerks employed in the various Departments and Bureaux, to wit: five clerks for the Land-Office, three clerks for the State Department, two clerks for the Treasury Department, one clerk for the Comptroller, two clerks for the Post-Office Department, two clerks for the War and Navy Department, and one clerk for the Auditor's Department—eleven thousand six hundred dollars, to be paid at the same rate as allowed in 1843, provided the Chief Clerk of the State Department shall not receive the five hundred dollars as head of the Patent Office or Bureau.

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

For compensation to Capt. of Ordnance, Armorer, and laborers, employed in the Ordnance Department, one thousand dollars.

For contingent expenses of Ordnance Department, including transportation of military stores &c., from different points of the public depot, and for fuel, lights, materials for the fabrication and repair of arms &c., one thousand dollars, subject to the Secretary of War and Marine.

For compensation of the 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 compensation of seven District Attorneys, for the year 1844, one thousand seven hundred and fifty dollars.

For pension of Joseph Cecil, three hundred dollars, payable quarterly.

For compensation to the Secretary of Legation to the United States, two thousand dollars.

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

For compensation of Commissioners to Mexico and pay of necessary expenses connected with said commission including pay, and expenses already incurred, five thousand dollars.

For compensation to the Chaplains of the eighth Congress, three hundred and sixty dollars.

Sec. 2. Be it further enacted, That the Secretary of the Treasury is hereby authorized to appoint an agent to enquire into the condition of the custom-houses, and other revenue offices, whose duty it shall be to make settlements with all officers, who are receivers of public dues, throughout the Republic, under such instructions as may be furnished him by the Secretary of the Treasury, and to receive the public money, collected by them, or that may, hereafter, be collected by said officers, respectively; said agent to be appointed by the Treasury Department, and shall receive as compensation the same pay as allowed to Chief Clerks of Departments, for

the time actually engaged in said agency, and his necessary traveling expenses, and the sum of twelve hundred and fifty dollars, is hereby appropriated to carry into effect the objects of this section.

Sec. 3. Be it further enacted, That the Secretary of the Treasury, be, and he is hereby required to issue exchequer bills to pay the foregoing appropriations, and after the first of March next, no more exchequer bills shall be issued, until the amount in circulation shall be reduced to the sum of twenty thousand dollars, and when the amount shall be reduced to that sum, or below it, that amount may be kept in circulation and no more, and the said Secretary of the Treasury is hereby required to have destroyed, in accordance with the provisions of a joint resolution approved January 29th 1842 entitled "A Joint Resolution prescribing the manner in which the liabilities of the Government shall be destroyed," all the exchequer bills now afloat, as they may be received into the Treasury, over the amount of twenty thousand dollars, which is allowed by this section to be kept in circulation, and that the said Secretary of the Treasury be also required to have destroyed, in the manner pointed out in the above-recited joint resolution, all the exchequer blanks now on file in his Department.

Sec. 4. Be it further enacted, That the unexpended balance of the appropriations for the salaries of officers of the Government for the year 1843, are hereby cancelled, except in cases where services have been performed.

Sec. 5. Be it further enacted, That the compensation allowed by this act to the officers of the civil list, shall be computed from the first day of December 1843, or from their appointment.

Sec. 6. Be it further enacted, That all auditor's certificates, for carrying the mails, endorsed by the Secretary of the Treasury, shall be received in payment of direct taxes, due the Republic, at the same rates as exchequer bills are received for the same dues.

Sec. 7. Be it further enacted, That four thousand dollars be appropriated, or so much thereof as may be necessary to pay Cruger and Moore, agreeably to their propositions to this Congress, provided, they print, and deliver to the Secretary of

State the laws, within forty days, and the journals, within sixty days, after copies are delivered to them, from the State Department.

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

Approved February 5th, 1844.

JOINT RESOLUTION

To revive a certain Act therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That an act, approved January sixteenth, one thousand eight hundred and forty-three, entitled "An Act authorizing an additional compensation to be paid to certain officers of the Civil List," be, and the same is hereby revived, for the year one thousand eight hundred and forty-four, and that a sufficient amount is, hereby, appropriated to make up the deficit (if any there be) in the general appropriation bill, for the year one thousand eight hundred and forty-four, and that this joint resolution take effect from and after its passage.

Approved, February 5th, 1844.

JOINT RESOLUTION

Authorizing the President to commission a Major-General of Militia.

Whereas, no returns of election have been received at the State Department, from several counties of this Republic, for Major-General of Militia, as provided for by an act passed the sixteenth January, one thousand eight hundred and forty-three, therefore,

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby, authorized to commission as Major-General of Militia of the Republic, the person who received the highest number of votes for that office on the fourth day of September last, according to the returns received at the State Department, up to the first day of January one thousand eight hundred and forty-four.

Approved, February 5th, 1844.

AN ACT

Regulating Elections.

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 the Associate Justices, in each county of the Republic, shall designate election precincts at the most suitable places for holding elections in their several counties; and it shall be the duty of the Chief Justices of the counties, to issue writs of election to the several precincts established, appointing a presiding officer in each, to hold the elections, stating specifically in the writs, the officer or officers to be elected, and the day on which the election shall take place.

Sec. 2. Be it further enacted, That the Secretary of State be, and he is hereby, required to furnish the Chief Justice of each county in this Republic, with a form of the returns of elections, which form, shall be filed in the office of said Chief Justices, who shall furnish the presiding officer of each election precinct, with a copy, whenever a writ of election shall issue.

Sec. 3. Be it further enacted, That the presiding officer, with three judges and two clerks of the election, to be appointed by him, shall be managers of the election, and shall be sworn, before entering upon the duties of their office "to conduct the election without partiality or prejudice, and agreeably to.

law:" and in the event that either of the managers, thus appointed, shall fail to attend, or refuse to act, it shall be lawful for the voters, at the place of opening the polls, to appoint persons to supply such vacancies, and if there be no justice of the peace present, the presiding officer shall swear the other managers, and one of them shall administer the oath to him, which shall be as legal as if done by a judicial officer.

Sec. 4. Be it further enacted, That the polls shall not be opened before nine o'clock A. M., nor closed before three o'clock P. M., and no adjournment shall be had during the day, by the managers, for more than one hour, at any one time, of which proclamation shall be publicly made.

Sec. 5. Be it further enacted, That each of the clerks shall write and number the name of each voter, at the time of his voting, and in case the voter, from not residing in the precinct, or from any other cause, should not be entitled to vote for all the officers that the election is held for, at that precinct, the clerks shall set down against his name, the officer or officers for which he is entitled vote; and for the purpose of afterwards purging the polls, in case of disputed elections, one of the managers shall, at the time of receiving the vote, write upon the back of it the voter's number, corresponding to the clerks' lists; and no manager shall unfold or examine a ticket received from a voter, and they shall also carefully avoid examining the endorsements on the tickets, when the votes are counted out, or any time subsequent to their being received in the ballot box.

Sec. 6. Be it further enacted, That immediately after closing the polls, the managers of the election shall proceed to count the votes, and make out a correct return, signed by the managers, which shall be sealed up and delivered to the Chief Justice of the county, by one of the managers, upon oath, before the return day of said election; a duplicate of which return, shall be kept by the presiding officer; the tickets voted, shall be sealed up in the returns to the Chief Justice, and shall be preserved by him, until any contest respecting said election shall have been decided, as hereinafter provided for, or the time in which said contest should take place, shall have elapsed without a contest, when the tickets shall be destroyed.

Sec. 7. Be it further enacted, That when a man offering to vote, shall be objected to, the managers shall examine him

upon oath, touching the points objected to, and if he fail in establishing his qualification to their satisfaction, his vote shall be rejected; and if any person shall vote for any officer, or officers, more than one time, in the same day, he shall be liable to indictment, and upon conviction before any competent tribunal, shall forfeit and pay for every such offence, not less than fifty dollars, nor more than five hundred dollars, to go to the county treasury.

Sec. 8. Be it further enacted, That the Chief Justice, shall give at least ten days notice of every election, except in cases of vacancy of members of Congress, when five days notice shall be given to the different precincts, upon the receipt of the President's proclamation for filling said vacancy, by an advertizement, in manuscript, in each precinct, or newspaper, if any be printed in the county, and when the office of any civil officer belonging to the county, shall become vacant, by death, resignation, or otherwise, the Chief Justice, shall immediately order a new election to be held, to fill such office; the return day of elections, shall be the tenth day thereafter, when the Chief Justice shall open the returns, and give a certificate of election to the one having the highest number of votes; when the election is for senator, the chief justices who are not authorized to grant certificates, shall send complete returns of the senatorial elections in their respective counties, immediately after examining the same, to the Chief Justice of the county authorized to give the certificate, and said Chief Justice, so authorized, shall upon the twentieth day after the election, which is the return day for senatorial elections, open and examine said returns, and give a certificate of election to the one, having the highest number of votes; when returns are to be sent from one county to another, it may be done by mail free of postage, the packet being marked on the outside as containing the returns of the election specified.

Sec. 9. Be it further enacted, That whenever it shall so happen, in an election for any office, that there is a tie between two or more candidates, the Chief Justice, to whom the returns are made, shall declare such election null, and immediately order a new election for that office.

Sec. 10. Be it further enacted, That any person wishing to contest any election, shall notify the person holding a certificate of election, within ten days after the return day, and deliver, or cause to be delivered to him, in writing, a state-

ment of the grounds upon which he relies to sustain the same, or in case the candidate elect, cannot be found, the notice and statement, to be left at his usual place of abode, and the Chief Justice and Associate Justices of each county, or a majority of them, shall constitute a tribunal to try the validity of the election of any civil or county officer, (always excepting members of Congress) who shall convene as soon as convenient, after due notice given to the parties concerned, and examine all the testimony, and if any votes shall be found to be illegal, they shall find among the tickets by the endorsement on the same, the one so proven to be illegal, and subtract the votes therein contained from the whole amount, and after a full and fair investigation, they shall decide to whom the office belongs, or set the election aside, and order a new one.

Sec. 11. Be it further enacted, That any returning officer who shall fail to make his returns, within the time prescribed by law, shall be liable to a penalty of one hundred dollars, to be collected in the usual way of collecting fines and forfeitures, on information, and the same to be appropriated to the use of the county.

Sec. 12. Be it further enacted, That returning officers shall be entitled to three cents per mile in going to, and returning from the county seat, to make returns of elections, to be paid out of the county treasury, upon the certificate of the Chief Justice.

Sec. 13. Be it further enacted, That all laws and parts of laws, in any-wise, conflicting with the provisions of this act, except so far as they relate to elections for depopulated counties, be, and the same are hereby repealed; and that this act take effect from and after its passage.

Approved February 5th, 1844.

AN ACT

Authorizing the Secretary of War and Marine, to contract for keeping the Navy in ordinary.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of War and Marine be, and he is hereby, authorized to receive proposals for keeping in ordinary the following vessels of the navy of this Republic, to wit: the ship Austin, brigs Wharton and Archer, and schooner San Bernard.

Sec. 2. Be it further enacted, That any contract entered into for the keeping of said vessels in ordinary, shall continue for one year from the date thereof, unless said vessels shall be sooner required for the public service, in which event, the party or parties, so contracting, shall be paid according to contract, for the time he, or they, may have kept them.

Sec. 3. Be it further enacted, That the Secretary of War and Marine is, hereby, required to take bond with good and sufficient security, from the party, or parties, contracting, conditioned for the faithful performance of such contract as may be entered into under the provisions of this act.

Sec. 4. Be it further enacted, That the sum of fifteen thousand dollars be, and the same is hereby, appropriated to carry this act into effect.

Sec. 5. Be it further enacted, That the act approved 16th January 1843, authorizing the sale of the navy, be, and the same is hereby, repealed.

Sec. 6. Be it further enacted, That if the Secretary of War and Marine shall not be able to make a contract, according to the provisions of this act, then, and in that case, the Secretary of War and Marine shall have power to apply the amount appropriated to the keeping of the navy in ordinary, under his directions.

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

Approved February 5th, 1844.

AN ACT

Making appropriation for the part pay of Officers and Seamen of the Navy.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of sixteen thousand dollars be, and the same is, hereby, appropriated, for the part pay of the officers of the navy.

Sec. 2. Be it further enacted, That the above amount shall be divided, pro rata, for services rendered, since the first day of January, one thousand eight hundred and forty-two, to the thirty-first day of December one thousand eight hundred and forty-three; and the Auditor of Public Accounts is, hereby, authorized and required to audit the accounts of officers of the navy upon presentation, the same being duly certified and approved by the Secretary of War and Marine.

Sec. 3. Be it further enacted, That the Auditor shall determine the aggregate of pay due the officers of the navy, from official returns, now on file in this office.

Sec. 4. Be it further enacted, That the further sum of one thousand eight hundred dollars be, and the same is hereby, appropriated, for the pay of Seamen of the navy; provided, that no appropriation, herein made, shall extend to the payment of claims, other than those in the hands of original claimants.

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

Approved, February 5th, 1844.

JOINT RESOLUTION

For the relief of Texian Prisoners in Mexico.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and is hereby authorized and required, forthwith, to employ any means in the reach of the Govern-

ment, to feed and clothe our unfortunate countrymen, prisoners of war, who are, at present, starving in the prisons of Mexico; and that the amount of fifteen thousand dollars be, and the same is hereby, appropriated to carry into effect the provisions of this act, and all other acts upon this subject; and this act take effect from and after its passage.

Approved, February 5th, 1844.

AN ACT

To prescribe the duties of District Judges, in regard to charging Juries.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That after the argument of a cause is concluded and before the jury retires from the bar, it shall be lawful for the attorney of either party to present in writing such charges as he desires to be given to the jury, which the judge shall deliver to the jury in whole or in part, or refuse to deliver the same, as he may think proper, but where any portion of such charge is refused to be given, the judge shall write down distinctly what portions of the same he gives to the jury, and what portions he refuses, subscribing his name thereto, all of which papers shall be filed by the clerk, and constitute a part of the records of the case, and should any decision of the judge, thus made, be erroneous, the same shall be taken notice of, in the appellate court in the same manner as if a regular bill of exceptions had been signed, provided, that the judge may charge the jury, on such other points of law, as he may think proper, any law to the contrary notwithstanding; and this act shall take effect from and after its passage.

Approved, February 5th, 1844.

JOINT RESOLUTION.

To establish a Tribunal for the impartial trial of Post Captain E. W. Moore and others.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it is due to Post-Captain E. W. Moore, to have a full, fair and impartial investigation of the charges, upon which an order was issued, dismissing him from the naval service of the Republic, and as a court-martial is the proper and legitimate tribunal for such investigation, and as such court cannot be convened, composed of naval officers, it is hereby made the duty of the Secretary at War and Marine to convene as soon as practicable, a court-martial, composed of the Major-General of the Militia and at least two Brigadier-Generals, and other officers, next highest in grade in office, which shall constitute a naval court-martial for the investigation of the charges against the said Post-Captain, E. W. Moore, and said court-martial shall be governed by all the rules and regulations governing naval courts-martial.

Sec. 2. Be it further resolved, That the Secretary at War and Marine is required to furnish the said Post-Captain E. W. Moore, with a copy of the charges and specifications against him, a copy of which shall also be furnished to said court, when it shall have convened.

Sec. 3. Be it further resolved, That the members of the said court-martial shall receive two dollars per day, for each day they may be in attendance, upon said court-martial, and two dollars for each twenty-five miles, in travelling from, and to, their places of residence, and ——— dollars is hereby appropriated to carry this resolution into effect.

Sec. 4. Be it further resolved, That the provisions of the foregoing resolution be applied to the case of Commander J. T. K. Lothrop, and all others, dismissed from the naval service, without a trial by court-martial, since the nineteenth day of July, one thousand eight hundred and forty-three, and that the Secretary at War and Marine, furnish all such officers with the charges and specifications against them, and that they have a trial by said court-martial.

Approved February 5th, 1844.

AN ACT

To suppress Private Banking.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all laws, granting to any individual, individuals or corporations, the authority to issue either bills or promissory notes, to pass and circulate as money, is hereby repealed, and the authority to issue either bills or promissory notes, or any other instrument in writing, in print, hieroglyphics or engraving, to circulate as money, is hereby abrogated.

Sec. 2. Be it further enacted, That should any individual, or individuals, or corporation, issue any bill, promissory note, or other instrument to circulate as money, such offending individual, or individuals, or members of a corporation, violating this act, shall, upon conviction thereof, by indictment, for each offence, be fined in the sum of five hundred dollars, and be imprisoned not less than three months, nor more than twelve months; and it is, hereby, made the special duty of the judges of the district courts of this Republic, to give this act in charge to the grand juries of the several counties, at the beginning of each term of said courts, and all laws and parts of laws coming in conflict with this act, be and the same are hereby, repealed.

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

Approved, February 5th, 1844.

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 eighth Congress of said Republic, adjourned on the fifth day of February, A. D. one thousand eight hundred and forty-four.

[L. S.] Given under my hand and seal of office, at
Washington, the eighth day of February, A. D. one thousand eight hundred and forty-four.

ANSON JONES.

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

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