

# L A W S

PASSED BY

THE NINTH CONGRESS

OF THE

# REPUBLIC OF TEXAS

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PUBLISHED BY AUTHORITY.

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WASHINGTON.  
1845



# L A W S

OF THE

## REPUBLIC OF TEXAS.

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### AN ACT

Transferring the unexpended balance of a certain appropriation therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That one thousand dollars of the unexpended balance of the appropriation, for pay and mileage of members of the eighth Congress, be, and the same is hereby transferred, for the contingent expenses of the ninth Congress; and that the balance of said appropriation be, and the same is hereby transferred, for the payment of the pay and mileage of the members, and the pay of the officers of the ninth session of Congress.

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

Approved, December 12th, 1844.

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### JOINT RESOLUTION

Making an appropriation for a company of men, raised by H. L. Kinney.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of twenty-three hundred and forty nine dollars be appropriated to pay the expenses and disbursements of a com-

pany of fifty-six men, authorized by the Secretary of War and Marine, dated fifth of August eighteen hundred and forty-four, to be raised by H. L. Kinney, for the protection of Corpus Christi, and that the sum be paid out of any money in the Treasury, not otherwise appropriated.

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

Approved, December 14th, 1844.

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### AN ACT

Exempting Ministers of the Gospel from serving as Jurors, 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 hereafter all regularly ordained Ministers of the Gospel, who continue to exercise the duties of their calling, unless disabled by sickness, or otherwise, be, and they are hereby exempt from serving as jurors, and working on the public roads.

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

Approved, December 16th, 1844.

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### JOINT RESOLUTION

For the relief of Isaac Van Zandt, late Chargé d'Affaires to the United States.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury be authorized and required to issue drafts to Isaac Van Zandt, for the balance of his pay as Chargé d'Affaires to the United States; said drafts to be made receivable in payment of direct taxes.

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

Approved, December 18th, 1844.

AN ACT

To locate the County Seat 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 the town of San Felipe, in the county of Austin, be, and the same is, hereby, made the county seat of the said county of Austin.

Sec. 2. Be it further enacted, That all legal proceedings of the several Courts of Justice, heretofore held in the town of San Felipe, be, and the same are hereby declared to be legalized, and the same shall be as legal and binding, as if the said town of San Felipe had been declared the county seat of said county by Congress.

Approved, December 18th, 1844.

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AN ACT

More perfectly defining the boundaries of the county of Jackson.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the external boundaries of the county of Jackson shall be as follows, to wit: commencing in the channel of the La Baca river, at the mouth of Smithers' Creek; thence, following the channel of said river to La Baca bay; thence, through the channel of said bay to Matagorda bay; thence, through the channel of said bay to Trespalacios bay; thence, up the channel of Trespalacios, to the upper line of the Scott survey; thence, North five degrees West, to the intersection of a right line, extending from the termination of the line between the Jackson and Kincheloe leagues, on the Colorado river, to the mouth of Smither's creek; thence, with said line to the place of beginning.

Sec. 2. Be it further enacted, That the county of Matagor-

da shall extend to the Eastern, and the county of Colorado to the northern boundary of Jackson county.

Sec. 3. Be it further enacted, That this act shall not affect the validity of surveys, heretofore legally made.

Approved, December 24th, 1844.

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### JOINT RESOLUTION

Authorizing the Secretary of the Treasury to make a final settlement of the accounts, pending between Gail Borden Jr., late collector of Galveston and the Government of the Republic of Texas.

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, and hereby is authorized, to make a final settlement of all accounts, pending between the Government of this Republic and Gail Borden, Jr. late collector of Galveston, and to admit, in settlement all accounts, which said Borden may have against the Government of this Republic, and which the said Secretary may deem equitable and just, and any settlement which the Secretary, aforesaid, shall make in conformity with the provisions of this resolution, shall be valid and conclusive.

Approved, December 24th, 1844.

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### AN ACT

For the incorporation of the town of Marshall in 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

the citizens of the town of Marshall be, and they are, hereby, declared a body corporate and politic, under the name and style of the corporation of the town of Marshall—who shall have the power of suing and being sued, pleading and being impleaded, and to hold and dispose of real and personal property, provided, such real estate is situated within the limits of said corporation.

Sec. 2. Be it further enacted, That it shall be the duty of the citizens of the said corporation, to elect eight Aldermen and a Mayor, who shall be, *ex officio*, a Justice of the Peace. A Treasurer and Secretary shall be selected, by said Aldermen, from their own body; and a collector, shall be elected by the citizens of said corporation. The Treasurer and collector, shall be required, to give bond, with security to be approved of by the presiding officer, for the faithful performance of their duties, and to make reports when required by the Mayor or board of Aldermen; that the citizens of said corporation, shall elect a Constable; that the Mayor shall have power, when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order.

Sec. 3. Be it further enacted, That the first election shall be held under the direction of the Chief Justice of the county of Harrison, after having given ten days notice thereof, and annually afterwards, under the direction of the Mayor, at least ten days before the expiration of his term of office, and that in case of death or resignation, the vacancy or vacancies, shall be filled by new elections, to be ordered by the Mayor, and in case of the death or resignation of the Mayor, the board of Aldermen shall elect one of their own body, to act as Mayor, until the next annual election.

Sec. 4. Be it further enacted, That no person, shall be eligible to hold an office in said corporation, or to vote for the officers thereof unless he shall have resided in, and be a free holder in the same, during the period of six months, immediately preceding such election, and have acquired the rights of citizenship in conformity with the laws of this Republic.

Sec. 5. Be it further enacted, That the Mayor and board of Aldermen of said corporation, shall have power to pass such rules and ordinances as may be necessary for the regulation of the police, and the preservation of order within the

corporation limits; to levy taxes for the removal of nuisances, and keeping the streets in good order; and shall have the further power to prescribe penalties for the violation of such ordinances, or by-laws; Provided, however, that in no case, shall such penalty exceed one hundred dollars.

Sec. 6. Be it further enacted, That the limits of said corporation, shall extend one-half mile in a square, so laid off, as to leave the public square in the centre of said corporation.

Sec. 7. Be it further enacted, That the Mayor, with a majority of said Aldermen shall constitute a quorum for the transaction of business, they shall enact and enforce such rules and regulations, as they may deem necessary for the government of said corporation; provided, the same does not conflict with the constitution and laws of the Republic.

Approved, December 31st, 1844.

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#### AN ACT

To alter and establish the Eastern boundary line of Rusk 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 Eastern boundary line of Rusk county, shall be run as follows, to wit: beginning at the South-east corner of said county as now established, running thence, due North to the Sabine river, thence, up the Sabine, as heretofore established, be, and the same is, hereby, declared to be the Eastern boundary line of Rusk county.

Sec. 2. Be it further enacted, That the foregoing section, shall not be so construed, as to create any interference with the location of the present county site of Rusk county; and that this act take effect from and after its passage.

Approved, December 31st, 1844.



AN ACT

To amend an act, entitled An Act, re reorganize the District Court of the fourth Judicial District, passed January 18th, A. D. 1844.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the District Court of the county of Victoria, shall be holden in the county of Victoria, on the first Monday after the fourth Monday in March, and the second Monday after the fourth Monday in September, and may continue in session two weeks; in the county of Refugio, on the third Monday after the fourth Monday of March, and the fourth Monday after the fourth Monday of September, and may continue in session one week; in the county of Goliad, on the fourth Monday after the fourth Monday of March, and the fifth Monday after the fourth Monday in September, and may continue in session one week; in the county of San Patricio, on the fifth Monday after the fourth Monday of March, and the sixth Monday after the fourth Monday in September, and may continue in session one week.

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

Approved, December 31st, 1844.

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AN ACT

To regulate the salaries of District Judges and District Attorneys.

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

the Judges of the District Courts, shall receive a salary of one thousand five hundred dollars per annum.

Sec. 2. Be it further enacted, That District Attorneys, shall receive a salary of three hundred dollars per annum. The above salaries to be paid quarterly, as heretofore.

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

Approved, December 31st, 1844.

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### AN ACT

Legitimizing and changing the name of Mary Jane Dillard.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Mary Jane Dillard, daughter of Bluford Mitchell and Mary Dillard, be, and she is hereby declared legitimate, and that she hereafter bear the name of Mary Jane Mitchell, and capable in law of inheriting jointly, with his other heirs, the property of the said Bluford Mitchell, in the same manner as if she had been born in wedlock.

Approved, December 31st, 1844.

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### JOINT RESOLUTION

Making an appropriation for the redemption of William and Jane Simpson.

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

the sum of three hundred dollars be, and the same is hereby appropriated and placed at the disposition of the President, for the redemption of William and Jane Simpson, (children of Mrs. Simpson,) now held in captivity by the hostile Indians.

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

Approved, December 31st, 1844.

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### JOINT RESOLUTION

Granting one third of a league of land to Hugh S. Stapp.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby required to issue to Hugh S. Stapp, a certificate for one third of a league of land, which may be located upon any of the vacant territory of the Republic, upon the condition, that he, the said Stapp, shall deposite in the General Land Office, a certificate of head right for three hundred and twenty acres of land, issued to him by the Board of Land Commissioners of the county of Jackson, which certificate, the Commissioner of the General Land Office, is hereby required to cancel.

Approved, December 31st, 1844.

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### AN ACT

To legalize the official acts of L. H. Dillard, Chief Justice 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

the official acts of L. H. Dillard, Chief Justice of the county of Harrison, shall have the same force and effect, as if said Dillard had been duly and unquestionably elected Chief Justice for said county.

Approved, January 1st, 1845.

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#### AN ACT

Making an appropriation for contingent printing of Congress.

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 payment of the contingent printing of Congress.

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

Approved, January 3rd, 1845.

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#### AN ACT

For the relief of Johnathan Bird.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury, be required to issue drafts upon the collector or collectors of direct taxes for Bowie county, in favor of Johnathan Bird, as follows, viz: one draft for the sum of one hundred dollars, payable in 1845,

one draft for the sum of one hundred and fifty dollars, payable in 1846, one draft for the sum of two hundred dollars, payable in 1847, one draft for the sum of one hundred and fifty dollars, payable in 1848.

Sec. 2. Be it further enacted, That it shall be the duty of the collector, or collectors of the direct taxes of Bowie county, to pay off said drafts when due and presented as specified in the foregoing section, and that this act be in full force from and after its passage.

Approved, January 8th, 1845.

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AN ACT

Allowing two additional Notaries Public for Montgomery county, and one for each of the counties of Sabine and Harrison.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there be two additional Notaries Public appointed for the county of Montgomery, one to reside at or near Cincinnati, and one at or near Fanthorp's Post Office: one for the county of Harrison, to reside in or near Pulaski, and one for the county of Sabine, to reside in or near Sabine Town.

Sec. 2. Be it further enacted, That it shall be the duty of Notaries Public, to have a seal of office, with the words Notary Public and the name of the county around the margin, with a star with five points in the centre.

Sec. 3. Be it further enacted, That no notarial act shall be valid, unless the seal of office of such notary be appended.

Sec. 4. Be it further enacted, That when the office of Notary Public shall become vacant, from death, resignation, or otherwise, the President shall specify in the nomination and commission, the name of the person whose vacancy is to be

filled by such appointment, and the successor shall be entitled to all the records, books, papers and seal of his predecessor; but he shall be required, to pay to the person authorized to receive the same, the reasonable value of such notarial seal.

Sec. 5. Be it further enacted, That Notaries Public be authorized to perform all such duties as Chief Justices of county Courts, are required to perform, by virtue of their office as ex officio Notaries Public.

Approved, January 10th, 1845.

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### JOINT RESOLUTION

Authorizing Samuel J. Redgate to adopt a certain person therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Samuel J. Redgate be, and he is hereby authorized to adopt Margaret Jane Yorkings, as his lawful heir and adopted child, and capable of inheriting alike with other forced heirs at law.

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

Approved, January 10th, 1845.

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### AN ACT

For the relief of Martha B. Runnels and others.

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, be, and he is hereby authorized and required to issue a certificate for twelve hundred and eighty acres of land to Martha B. Runnels, E. S. Runnels, H. W. Runnels, H. R. Runnels and H. D. Runnels, heirs at law, of Hardin D. Runnels deceased, in lieu of certificate number 4, class number 2, issued by the Board of Land Commissioners, for the county of Jefferson, to said Hardin D. Runnels deceased, dated thirteenth April, eighteen hundred and thirty eight, which said certificate, when issued by the Commissioner of the General Land Office, shall be valid against this Government.

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

Approved, January 10th, 1845.

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### JOINT RESOLUTION

For the relief of Neely Kimbro.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and is hereby authorized and required to issue to Neely Kimbro, a patent for one third of a league of land, upon the survey made by virtue of his head-right certificate, which was granted to him by the Board of Land Commissioners of San Augustine county, and erroneously omitted to be recommended for a patent, by the Board of Traveling Commissioners, appointed to investigate head-right claims, East of the Brazos.

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

Approved, January 10th, 1845.

## JOINT RESOLUTION

For the relief of J. A. Young.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Captain John C. Hays be, and he is hereby authorized and required to pay to J. A. Young, the same amount paid to others under his command, from the organization of his company in February last, to the time the same was disbanded, after deducting the amount already paid, and that this Joint Resolution take effect from and after its passage.

Approved, January 10th, 1845.

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AN ACT

To permit the Administratrix of Alexander Brown, deceased, to keep together the property of said deceased.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Mrs. Sarah Brown, the widow and administratrix of Alexander Brown, deceased, be, and she is hereby permitted to keep together the property and effects belonging to the estate of her intestate, in the county of Fayette, until the same can be distributed according to law, if, in the judgment of the Court of Probate of said county of Fayette, it will be to the interest of the heirs of said estate, that the same shall be kept together by said administratrix; she giving such additional bond and security, to account for said estate, as the judge of said court may order and direct.

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

Approved, January 10th, 1845.



JOINT RESOLUTION

For the relief of the heirs of Benjamin Parker, deceased.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue a patent for one league and one labor of land, agreeable to the certificate and field notes heretofore returned to the General Land Office, for the benefit of the heirs of Benjamin Parker, deceased, upon the same principles, as though the Travelling Board of Commissioners had recommended the same for patenting.

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

Approved, January 10th, 1845.

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AN ACT

To incorporate the town of Boston.

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, the county seat of Bowie county, be, and the same is hereby incorporated with the same powers, privileges and restrictions as conferred and required by the act of incorporation for the town of Marshall, in Harrison county, approved thirty-first day of December, one thousand eight hundred and forty-four.

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

Approved, January 18th 1845.

## AN ACT

To change the name of Mary Nettle, 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 name of Mary Nettle, of Montgomery county, be, and is hereby changed to Mary Gillespy, and that she is hereby made the legal heir of John Gillespy and Mary Gillespy, and as such, capable of inheriting the estates of said John and Mary Gillespy, after their, or either of their deaths, as fully and completely, as if said first named Mary were the offspring of said John and Mary Gillespy.

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

Approved, January 18th, 1845.

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AN ACT

To confer the rights of citizenship on Early Cordray.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Early Cordray be authorized to hold and enjoy all the rights of citizenship, civil and political, under this government, which under the constitution belong to any other citizen of the Republic, provided that he take the oath of allegiance to the Republic of Texas.

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

Approved, January 18th, 1845.

AN ACT

For the relief of John Morris.

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 be required to respect the certificate of John Morris, issued to him by the Board of Land Commissioners for the county of Shelby, for twelve hundred and eighty acres of land, number fifty-two, dated sixth September, one thousand eight hundred and thirty eight, and patent the same, as though it had have been recommended by the investigating Board of Land Commissioners.

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

Approved, January 18th, 1845.

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AN ACT

To change the name of Henry Smith, 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 name of Henry Smith, of San Augustine county, be changed to Henry West, and that he be, and is hereby, made the adopted son and legal heir of George West and Mary West, of the county aforesaid, and capable as such of inheriting the estates of each and both of them at their, or either of their deaths, as fully and completely, as if the said Henry were the offspring of said George and Mary West.

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

Approved, January 18th, 1845.

## AN ACT

To restore Lands sold for Taxes to the former owners.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Government of Texas does hereby, relinquish to the former owners thereof, all the lands that were sold in the several counties, in the years one thousand eight hundred and forty three, and forty four, or at any time previously, and which was purchased for the government by the several sheriffs in the several counties, upon the former owner or owners, or their agents or attorneys, paying the amount of taxes by him or them due to the Republic, at the time of said several sales, and all other taxes that may or would have accrued upon said land or lands; provided, the lands had been purchased by any other person or persons, or remained in his own possession, together with all costs which may have accrued to the sheriff in advertising and selling the same, so sold up to the time, that any person or persons may desire to avail himself of the benefit of this act, provided, said taxes be paid to the government, on or before the first day of January, one thousand eight hundred and forty six.

Sec. 2. Be it further enacted, That it shall be the duty of the sheriffs of the several counties, to make returns to the Treasury Department, of all money or monies collected for taxes upon lands heretofore sold, and purchased by the government, specifying particularly the amount of money that he has received from each individual under the provisions of this act, and their receipt shall be sufficient evidence to the owner, that the provisions of this act have been complied with.

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

Approved, January 18th, 1845.

AN ACT

To authorize the re-organization of the Counties of Refugio and San Patricio.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of a Joint Resolution relating to elections for the depopulated Districts, approved June fifth, one thousand eight hundred and thirty-seven, as may be construed to relate to the counties of Refugio and San Patricio be, and the same is hereby repealed, and that from and after the passage of this act, all elections for Senators, Representatives and all civil and military officers, shall be holden within the limits of said counties and not elsewhere.

Sec. 2. Be it further enacted, That Peter Teal, a citizen of Refugio county, be, and he is hereby vested with full power and authority as Chief Justice of the said county of Refugio, with a view to its re-organization.

Sec. 3. Be it further enacted, That William Mann, a citizen of San Patricio county, be, and he is hereby vested with full power and authority as Chief Justice of the said county of San Patricio, with a view to its reorganization.

Sec. 4. Be it further enacted, That the re-organization of the counties aforesaid, contemplated by this act, shall be had within six months from and after its passage, and proper returns made of all elections of county officers held under and in pursuance of its provisions, to the Department of State, as recognized by law.

Sec. 5. Be it further enacted, That the town of Corpus Christi be, and the same is hereby declared the county seat of San Patricio county.

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

Approved, January 18th, 1845.

## A BILL

To be entitled An Act providing for the location of the Seat of Government by the people of Texas.

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 President, to order an election to be held in the several counties of this Republic, on the second Monday of March, A. D. 1847, at which election, the several qualified voters for members of Congress, shall, on their tickets, designate by name, such place as they may deem most eligible for the location of the seat of Government of the Republic of Texas.

Sec. 2. Be it further enacted, That the elections shall be held by the Chief Justices of counties, in the same manner as elections are held for members of Congress.

Sec. 3. Be it further enacted, That it shall be the duty of the Chief Justices of the respective counties, after the expiration of ten days from the holding of such election, to transmit the original returns of such election, by mail, or some safe private conveyance, to the Secretary of State of the Republic of Texas, which said returns, shall be sealed up with the seal of the county Court, and the name of the Chief Justice written across the same.

Sec. 4. Be it further enacted, That it shall be the duty of the President of the Republic, to publish in three newspapers, printed in the Republic, the result of the votes cast in each county of the Republic, specifying the number of votes cast for each place, which publication shall be made in the said Gazettes that may issue in the last week of May, 1847, and no returns of such election, shall be received for publication, after the twenty-fifth day of May, 1847.

Sec. 5. Be it further enacted, That it shall be the duty of the President, to order an election to take place, on the first Monday of September, A. D. 1847, at the same time as the election for members of Congress, and conducted in the same manner, in which the qualified voters for members of Congress, shall declare, which of the two places that received the highest number of votes, in the preceding election of March,

they may prefer as the seat of Government of the Republic. The President, shall expressly designate in the writ of election, and also, the Chief Justices of counties, the two places, which, at the previous election, received the highest number of votes, and upon which the people are to vote at the said September election.

Sec. 6. Be it further enacted, That the original returns of said election, shall be sent by one of the members of Congress elect, from the respective counties, directed to the Secretary of State, under the seal of the county Court, with the name of the Chief Justice of the county, written across the seal, and the place thus elected by the people, shall be, and remain the seat of Government of this Republic for the next ten years after such election.

Sec. 7. Be it further enacted, That the returns of such election, shall be transmitted by the Secretary of State, to the Speaker of the House of Representatives, and the result published in presence of both Houses of the twelfth Congress.

Sec. 8. Be it further enacted, That as soon as practicable, after the adjournment of the twelfth Congress, it shall be the duty of the President and Heads of Departments to remove to said place, selected as the seat of Government, and to procure and convey to said place, all the archives of the Government, wherever the same may be found, and at which place the thirteenth Congress of the Republic will convene.

Sec. 9. Be it further enacted, That the sum of five thousand dollars be, and is hereby appropriated and placed under the control of the President, for the purpose of removing the archives to the city of Austin, for defraying the contingent expenses of the several Departments, and in making preparations for the meeting of the tenth Congress, at that place, provided, there shall not intervene such emergencies, as are contemplated by the Constitution for the exercise of his discretion.

Sec. 10. Be it further enacted, That the sum of two thousand dollars be, and the same is hereby appropriated to carry into effect the provisions of this act, and the same shall take effect from and after its passage.

Approved, January 20th, 1845.

## JOINT RESOLUTION

For the relief of the heirs of John Williams, deceased.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, hereby authorized and required to issue a patent to the heirs of John Williams, deceased, for one league and labor of land, upon certificate [No. 124,] one hundred and twenty-four, issued by the Board of Land Commissioners for the county of Matagorda, on the 18th January, 1838, and that this act take effect from and after its passage.

Approved, January 20th, 1845.

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JOINT RESOLUTION

For the relief of Mary Lawson Williams.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Mary Lawson Williams, be, and she is hereby entitled to receive a patent from the Commissioner of the General Land Office, to one league and labor of land, the same being the head-right certificate of Lydia White, alias Widow Glasgow, granted and conceded by the Empresario, S. F. Austin, given in the town of Austin, on the first day of June, one thousand eight hundred and thirty-one, and that the said Mary Lawson Williams, have, and obtain said patent, upon payment of all dues to this Government, as though the Travelling Board of Land Commissioners had have recommended the same for patent.

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

Approved, January 22d, 1845.



AN ACT

For the relief of the depopulated Counties.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of Refugio, San Patricio and Goliad, be, and they are hereby exonerated from the payment of all direct taxes that may be due the Republic up to the date of the passage of this bill, provided, the head of a family shall not be exempt from the payment of taxes on more than one league and labor, and a single person not more than one third of a league.

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

Approved, January, 22d, 1845.

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AN ACT

For the relief of the heirs of Joseph English, deceased.

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 be, and is hereby required to issue to the heirs of Joseph English, a certificate for one league and labor of land, the said Joseph English having emigrated to this Republic with his family, in the month of December, one thousand eight hundred and thirty-five, which said certificate shall be as valid as if it had been issued by any Board of Land Commissioners and recommended for patent.

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

Approved, January 22d, 1845.

## JOINT RESOLUTION

For the relief of John Sutherland.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John Sutherland be, and he is hereby authorized to receive at the hands of the Commissioner of the General Land Office, a patent for one league and one labor of land, as though the same had been recommended for patent by the travelling Board of Land Commissioners, on the payment of Government dues thereon; and that this Joint Resolution take effect from and after its passage.

Approved, January 22d, 1845.

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AN ACT

To continue in force "An Act for the relief of the purchasers of lots in the city of Austin, and upon the town tract adjoining," approved, January 16th, 1843.

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 purchasers of lots in the city of Austin, and out lots upon the tract adjoining," approved January seventeenth, A. D. eighteen hundred and forty-two, the provisions of which act were continued in force by an act approved, January the twenty-seventh, eighteen hundred and forty-four, be, and the same are hereby continued in force for twelve months after this act shall go into force.

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

Approved, January 22d, 1845.

AN ACT

Granting to settlers on vacant public domain pre-emption privileges.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all individuals who have settled upon, and improved, or who may hereafter settle upon and improve a portion of the vacant public domain, which has been neither filed upon, entered, located nor surveyed by virtue of some genuine, legal and valid certificate, or other evidence of title to land previous to such settlement and improvement, shall have the privilege of locating and surveying a tract of land, not exceeding three hundred and twenty acres, so as to include said settlement and improvement, in preference to all other claims or claimants, and all files, entries, locations or surveys made so as to interfere with the preference granted by this act, shall be null and void.

Sec. 2. Be it further enacted, That it shall be the duty of all settlers contemplated by this act, who intend to avail themselves of the benefits of its provisions to have the lands including their improvements covered with a valid certificate, within three years from the passage of this act, or within three years from the commencement of their settlement; and the laws now in force in regard to the surveying and procuring of lands shall be observed, where the same do not conflict with the provisions of this act.

Sec. 3. Be it further enacted, That any genuine head-right certificate, land scrip, bounty warrant, or other genuine evidence of a claim to land issued by the authority of this government, may be located on such improvements, and the Commissioner of the General Land Office is hereby authorized and required to issue land certificates to any settler requiring the same, on his paying at the rate of two dollars per acre in the old promissory notes, bonds, funded debt, or other liquidated demands against the Republic of Texas, in accordance with the provisions of an act, approved, February fifth, eighteen hundred and forty-one, or fifty cents in par funds per acre, provided, that to actual

settlers as contemplated by this act, certificates or land scrip, to the amount of eighty acres, may be issued, but not for a less amount.

Sec. 4. Be it further enacted, That all sales made of improvements contemplated by this act, previous to survey or patent, except to those who may actually settle upon and occupy said improvements, shall be null and void; and the purchasers of such improvements shall be subject to the same conditions, restrictions and limitations, as if the original settler had remained in possession.

Sec. 5. Be it further enacted, That nothing herein contained, shall be so construed as to prevent the locations of certificates on such improvements containing more than three hundred and twenty acres; provided, that the preference shall be only construed to apply to the amount of three hundred and twenty acres. And any surveyor disregarding or violating the provisions of this act, shall, on conviction thereof before the District Court, be fined or imprisoned, at the discretion of the Court, and dismissed from office.

Sec. 6. Be it further enacted, That it shall be the duty of the county surveyors of each and every county in this Republic to keep a record book to be devoted exclusively to pre-emption claims; and settlers within eight months from the passage of this act, or within eight months from the commencement of such settlement hereafter made, shall cause to be surveyed the amount of land for which they intend to claim pre-emption; and on application being made by such settler, to a surveyor to have his said land surveyed to include his improvements, he shall not be compelled to furnish the surveyor with any land certificate, but he shall take an oath, which may be administered to him by said surveyor, that he believes he is settled upon vacant land, as contemplated in the first section of this act; upon which the survey, not exceeding three hundred and twenty acres, may be made, and the field notes shall be returned, with the aforesaid affidavit of the settler, to the county surveyor of the county in which the land lies, who shall have the same recorded in said pre-emption book, for which services the said surveyor and county surveyor may charge the fees now allowed by law for such services and no more; provided, that when a

proper certificate may be subsequently obtained by the settler, the same may be applied to such survey without running or marking the lines anew.

Sec. 7. Be it further enacted, That should any settler die previous to procuring a patent for the land, including the settlement and improvement, as provided by this act, the widow, (if there be one,) and the heirs, or the heirs alone, (if there be no widow,) shall be entitled to the same preference as the deceased would have been, according to the provisions of this act.

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

Approved, January 22d, 1845.

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### AN ACT

Making an appropriation for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of one hundred and three dollars, for balance due Torrey and Brothers, on stationary, and twenty four dollars for Thomas Ward, for extra pay as Sergeant-at-arms pro tem, from the fourth of December, one thousand eight hundred and forty-three, to the twelfth of the same month, be, and the same is hereby appropriated for the payment of the outstanding liabilities of the contingent expenses of the eighth Congress.

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

Approved, January 23d, 1845.

## JOINT RESOLUTION

For the relief of James W. Wauhob.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby required to issue a patent to James W. Wauhob, upon the survey or surveys made by virtue of his head-right certificate calling for one thousand two hundred and eighty acres (1,280) of land, issued by the Board of Land Commissioners of Red River county, and subsequently rejected by the Commissioners appointed under an act, entitled "An Act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, passed January 27th, one thousand eight hundred and forty," Provided, that the survey of said Wauhob, does not conflict with the survey or surveys of other persons, made previously, or subsequently, to the rejection of said James W. Wauhob's certificate, by the investigating Board of Land Commissioners.

Sec. 2. Be it further enacted, That should the survey of the said James W. Wauhob, conflict with the survey of others, as specified in the proviso to section first, then, and in that case, the said James W. Wauhob, may survey the amount of land granted by this act, out of any vacant and unappropriated domain of this Republic, upon which said survey, the Commissioner of the General Land Office shall issue a patent.

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

Approved, January 25th, 1845.

## JOINT RESOLUTION

Requiring the payment of the drafts of Josiah G. Beaty.

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, and he is hereby required to issue two drafts in favor of William S. Beaty, representative of Josiah G. Beaty and others, in lieu of the one which he now has, authorized by a Joint Resolution, passed the twenty-eighth day of January, one thousand eight hundred and forty-two, for the relief of Josiah G. Beaty and others, which said drafts, shall be drawn on the collector of direct taxes of Fannin county, and made payable, the one out of the direct taxes collected in said county, for the year one thousand eight hundred and forty-four, and the other out of that collected for the year one thousand eight hundred and forty-five.

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

Approved, January 27th, 1845.

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## JOINT RESOLUTION

For the relief of A. B. Shelby, Thomas Johnson and others.

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 account of Anthony B. Shelby, for the sum of two thousand two hundred and fifty-five dollars and eighty seven cents; the account of Thomas Johnson, for nine hundred and ninety seven dollars, and the account of the legal representatives, or administratrix of John M. Hansford, for one thousand nine hundred fifty-three dollars and seven cents, in full for the

pay due to the said Shelby and Johnson, as Judges of the first Judicial-District; and in full for the pay to the said legal representatives, for the services of said John M. Hansford, as Judge of the seventh Judicial District, and that the Auditor, issue his warrants, in such sums, as the said claimants may require, not under ten dollars, for the amount of said appropriation, and that the same be receivable for direct taxes due this Republic.

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

Approved, January 27th, 1845.

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### JOINT RESOLUTION

For the relief of Henry Castro and T. Taussaud.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the further time of two years, be allowed to Henry Castro and T. Taussaud, to comply with the conditions of their contract of Colonization with this Government, entered into, upon the fifteenth day of February, A. D. one thousand eight hundred and forty-two; Provided, that each emigrant arriving in this Republic, under the contract of said Castro and Taussaud, shall, before entering on the lands, take the oath of citizenship.

Sec. 2. Be it further resolved, That all process, heretofore re- and take effect from and after its passage.

Approved, January 27th, 1845.



JOINT RESOLUTION

Changing the sessions of the District Court in Washington County.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the District Court shall commence and hold its sessions hereafter, in the county of Washington, on the first Monday succeeding its session in the county of Milam, and may continue in session until the business is disposed of.

Sec. 2. Be it further resolved, That all process, heretofore returnable and triable at the terms prescribed by law, shall be returnable and triable at the terms and sessions fixed by this Joint Resolution, and that the same take effect from and after its passage.

Approved, January 27th, 1845.

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AN ACT

To establish and incorporate the Galveston Lyceum.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Hamilton Stuart, Charles L. Cleaveland, James G. Rhodes, W. B. Shelby, Elbridge Walbridge and William H. Rhodes, of the county of Galveston, their associates and successors, are hereby constituted a body politic and corporate, for the encouragement of literary and scientific pursuits, by the name and style of the Galveston Lyceum, and by that name, may receive, hold and enjoy lands, tenements, and hereditaments, and personal property, and sums of money of any amount, not exceeding twenty-five thousand dollars, and by the aforesaid name; may sue and be sued, defend and be defended, in any Courts of law and equity within this Republic, and

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

Sec. 2. Be it further enacted, That this act of incorporation, shall be in force, for and during the term of ten years, subject to such modifications, extensions, restrictions and limitations, as the legislature may, from time to time provide, at the expiration of which time, the same may be renewed.

Sec. 3. Be it further enacted, That the books of said Lyceum, shall be free from direct taxation, but the balance of the property, shall be regularly given in for taxation, by the President of said Lyceum, under oath, and a failure to give in said direct taxes, when called upon by the Assessor or Collector, shall work a forfeiture of this charter.

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

Approved, January 27th, 1845.

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#### JOINT RESOLUTION

For the relief of H. P. Bee, Nathaniel Amory and Memucan Hunt.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury, be authorized and required to issue drafts, in favor of H. P. Bee, for the sum of five hundred and thirty four dollars, as a balance due to him for his services, as clerk to the Commissioners appointed by the Government of Texas to run the boundary line between Texas and the United States, which drafts, shall be receivable for direct taxes, due previous to the first of January, one thousand eight hundred and forty-five.

Sec. 2. Be it further resolved, That the Secretary of the Treasury be, and he is hereby, required to issue drafts to Nathaniel Amory, to the amount of twenty-four hundred and eighty dollars, in not less sums than fifty dollars, each, which

shall be receivable for direct taxes, it being in full for the balance of his services, as Secretary of Legation to the U. States; and, also, to General Memucan Hunt, a draft for the sum of two hundred and twenty-eight dollars and sixty one cents, a balance due him for services as Commissioner to run the boundary line between Texas and the United States, which said sum, was audited in his favor, on the tenth of February, one thousand eight hundred and forty-two, and which, is hereby, cancelled, and that the said drafts be received for direct taxes.

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

Approved, January 27th, 1845.

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AN ACT

To form the collectoral District of Soda Lake.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all of that portion of Red River and Bowie counties, lying South of Sulphur Fork, together with the counties of Harrison and Rusk, and all that portion of Nacogdoches lying West and North of the county of Rusk, be, and the same are hereby formed into a district, for the collection of Customs, to be called the "District of Soda Lake," for which Port Caddo shall be the port of entry.

Sec. 2. Be it further enacted, That His Excellency, the President, be, and he is hereby required to appoint a Collector of Customs, for the District of Soda Lake, and to direct the Secretary of the Treasury to issue to such Collector, the instructions that may be requisite for the organization of said District, and for carrying into effect the revenue laws of this Republic, therein.

Sec. 3. Be it further enacted, That the compensation of the Collector and of the deputy Collectors, of the District

aforesaid, shall be the same as in the other Collectoral Districts on the Eastern frontier of this Republic.

Sec. 4. Be it further enacted, That this act shall take effect so soon as the Collector of said District is qualified for office, "and that this act shall take effect from and after its passage, so far as the same relates to the appointment of the Collector, herein provided for," and that all laws and parts of laws conflicting with the provisions of this act, be, and are hereby repealed.

Approved, January 29th, 1845.

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#### AN ACT

Supplementary to "An Act to change in part the time of holding the District Courts, in the fifth and seventh Judicial Districts, approved January 27th, 1844.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the District Courts for the county of Houston, shall be allowed to continue in session, until the business of said Court be dispensed with.

Approved, January 29th, 1845.

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#### AN ACT

Supplementary to the several acts, regulating impost duties.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be levied and collected an impost duty of one dol-

lar per head on all neat cattle, horses and mules brought into this Republic from the United States of America; provided, this act shall not extend to the neat cattle, horses and mules brought in, by persons actually emigrating to this Republic, nor to the horses and mules rode by travellers, nor to the horses and mules brought in by actual resident citizens as their own property.

Approved, January 29th, 1845.

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## AN ACT

For the relief of William Moffitt and others.

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 be required to issue a patent to William Moffitt for one league and labor of land, upon certificate number one hundred and ninety, issued by the Board of Land Commissioners, of Montgomery county, and dated, ninth February, eighteen hundred and thirty-eight; also to patent certificate number ——— issued by the Board of Commissioners, for Shelby county, to Maria Arocha, for one league and labor of land, in the same manner, as though the same had been recommended by the Board of Commissioners to investigate fraudulent land claims,

Sec. 2. Be it further enacted, That the Commissioner of the General Land Office, be, and he is hereby authorized and required, to respect the head-right certificate, for a league and labor of land, issued by the Board of Land Commissioners of Sabine county, to Britton Odum of said county, and issue a patent on the same, one league of which said certificate, was rejected by the Board of investigating Commissioners; and this act shall take effect from and after its passage.

Approved, January 29th, 1845.

## AN ACT

For the relief of Samuel Brooks.

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 Associates of the county of San Augustine, be, and they are hereby required, to issue to Samuel Brooks, a certificate for one league of land, which may be located upon any vacant and unappropriated lands, of the Republic, and that the Commissioner of the General Land Office, is hereby required, to patent the same, as other genuine and legal certificates, and that this act take effect from and after its passage.

Approved, January 29th, 1845.

## AN ACT

For the relief of John Hamilton.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That certificate, number two hundred and forty-six, issued by the Board of Land Commissioners for the county of Bastrop, on the twenty-sixth day of April, eighteen hundred and thirty-eight, to John Hamilton, for one league and one labor of land, is hereby ratified and confirmed, and the Commissioner of the General Land Office is authorized, to issue a patent thereon, as though it had been recommended by the travelling Board of Commissioners; and that this act shall take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

To defray the expenses of the contingent Printing of the ninth Congress.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of six hundred dollars, be, and the same is hereby appropriated, for defraying the expenses, of the contingent printing of the ninth Congress.

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

Approved, January 29th, 1845.

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AN ACT

For the relief of John Gregg.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of three hundred and ninety-three dollars and forty-three cents, be, and the same is hereby appropriated, for the payment of a note executed by John Gregg, for the redemption of his son Henry, who was captured by the hostile Indians, on the seventh day of January A. D. eighteen hundred and forty-one, and subsequently purchased of the Indians, at the request of John Gregg, by a trading house in the Choctaw Nation, and the Secretary of the Treasury is hereby authorized and required to issue a draft to the said John Gregg for the above amount, receivable for direct taxes.

Approved, January 29th, 1845.

## AN ACT

For the relief of John Trussel.

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, be, and he is hereby authorized and required to issue to John Trussel, a certificate for one league and one labor of land, in lieu of land certificate, number nineteen, issued by the Board of Land Commissioners of Brazoria county, for that quantity, on the nineteenth of September, eighteen hundred and thirty-nine, and rejected by the travelling Board.

Sec. 2. Be it further enacted, That the certificate contemplated by this act, shall be subject in its location, to the payment of the same government dues, and otherwise in all respects be governed by the same laws, as that for which it is given in lieu; and that this act take effect from and after its passage.

Approved, January 29th, 1845.

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AN ACT

For the relief of Lucy Davis.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be required, to issue drafts to the amount of two hundred and fifty-three dollars and sixty-two cents, the sum to be equally divided in said drafts, upon the Collector or Collectors, of the direct taxes, for the county of Jackson, in favor of Lucy Davis, and that this act be in force from and after its passage.

Approved, January 29th, 1845.



AN ACT

For the relief of Isabella T. Scott.

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, be, and he is hereby authorized and required, to issue to Isabella T. Scott, a patent for one league and one labor of land, according to the certificate issued to her father, D. B. McConnell, and rejected by the travelling Board of Land Commissioners, the same as though the said certificate had not been rejected by said travelling board.

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

Approved, January 29th, 1845.

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JOINT RESOLUTION

For the relief of Adolphus Sterne.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury, be, and they are hereby authorized and required, to issue to Adolphus Sterne the amount of nine hundred and fifty dollars, in drafts of fifty dollars each, the same to be receivable for any direct taxes due and payable, in the county of Nacogdoches, previous to the first day of January one thousand eight hundred and forty-five.

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

Approved, January 29th, 1845.

## AN ACT

To alter in part, the times of holding the District Courts, in the seventh Judicial District.

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 Fannin, shall commence on the second Monday before the first Mondays of March and September, and may continue in session two weeks; in the county of Lamar on the first Mondays in March and September, and may continue in session two weeks; in the county of Red River as heretofore provided for by law; in the county of Bowie the Courts shall begin as heretofore, and may continue in session two weeks; and in the county of Harrison, as heretofore provided by law.

Sec. 2. Be it further enacted, That all writs, petitions and other process or proceedings returnable at any other time, or to any other term, than such as is fixed by this law, shall be returnable and triable at the times fixed by this act.

Sec. 3. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be, and they are hereby repealed, and that this act be in force from and after its passage.

Approved, January 29th, 1845.

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AN ACT

Explanatory to the thirty-sixth section of the General Land Law, passed fourteenth December, eighteen hundred and thirty-seven.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the prices of land, as mentioned in the thirty-sixth section, of

the General Land Law, passed fourteenth December, eighteen hundred and thirty-seven, be as follows, all those who may have emigrated prior to the second of May, eighteen hundred and thirty-five, shall pay for every labor of irrigable land, the sum of three dollars and fifty cents, for every labor of arable land, two dollars and fifty cents; for every labor of pasture land, one dollar and twenty cents; and all those who emigrated subsequently to the second of May, eighteen hundred and thirty-five, and prior to the Declaration of Independence, shall pay for every labor of irrigable land, seven dollars; for every labor of arable land five dollars, and for every labor of pasture land, two dollars and forty cents.

Sec. 2. Be it further enacted, That in all cases where other or higher rates of land dues, than those prescribed in this act, have been exacted and paid by any person, the sum so paid over and above the rates fixed by this act, may be applied by the person paying the same, in payment of land dues on other lands.

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

Approved, January 29th, 1845.

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#### AN ACT

For the relief of the heirs of James Garrard, deceased.

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, be, and he is hereby required, to issue to George C. Gwathmey and Sophia his wife, Frederick B. Ernest and Ellen his wife; the said Sophia and Ellen being the sisters and nearest surviving relatives, and Cuthbert Brillett Garrard, the only nephew of James Garrard, deceased, a certificate for one third of a league of land, the head-right of said deceased, and the Secretary of War and Navy, be, and he is hereby required, to issue to

the heirs aforesaid, a bounty warrant for twelve hundred and eighty acres, and two donation warrants, for six hundred and forty acres each, of land, to be held by the heirs aforesaid, in equal portions, it being the quantum of land, to which the heirs of said James Garrard are entitled for the services rendered in the army of Texas in the year one thousand eight hundred and thirty-six, he having fallen in the Alamo.

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

Approved, January 29th, 1845.

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### JOINT RESOLUTION

For the relief of William Bugg.

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 required, to pay the amount due William Bugg, as private, of Captain John C. Hays' company for the term of his enrollment in said company.

Approved, January 29th, 1845.

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### AN ACT

To repeal an act, entitled "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 the above mentioned act, approved, February first, one thousand eight hundred and forty-four, be hereby repealed.

Sec. 2. Be it further enacted, That the Clerks of the District Courts and Probate Courts of Red River county, be required to transmit to the corresponding officers of Bowie county, all the papers and business of every description, which may have originated in that portion of the Southern division of Red River county, which by this act, is again included within the limits of the said county of Bowie.

Sec. 3. Be it further enacted, That all writs, processes and other proceedings, heretofore had in and from the aforesaid portion of the Southern division of Red River county, and made returnable to the District Court at Daingerfield be, and they are hereby made returnable to the District Court at Boston, the county seat of the county of Bowie.

Sec. 4. Be it further enacted, That all acts, authorizing the holding of Courts, at more than one place in any county, be, and the same are hereby repealed.

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

Approved, January 29th, 1845.

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## JOINT RESOLUTION

For the relief of Henry F. Fisher and B. Miller.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the reservation of each alternate section of land for the benefit of the Government; as stipulated between the Government of the Republic of Texas and Henry F. Fisher and B. Miller, for the introduction of six thousand emigrants, on the waters of the San Saba and Llano, dated, Washington, September first, one thousand eight hundred and forty-three, be, and the same is hereby, so changed, as, that the said contractors, be, and they are hereby permitted to settle any of the alternate

sections, they may need for their defence against the Indians, Provided, that they do not exceed one twelfth part of the alternate sections, and provided further, for each alternate section, thus settled, they shall set apart and survey, within the limits of the grant of said contractors, at their own expense, an equal number of sections for the use of the Government.

Sec. 2. Be it further resolved, That the provisions in the said contract, mentioned in the preceding section, requiring the said Fisher and Miller, to bring into this country, and settle on their grant, one third of the number of emigrants contracted for, within a certain limited time, be, and the same is hereby, so changed and amended, as to give, until the first of March, one thousand eight hundred and forty-six, to introduce the one third of the number of emigrants, and, if the said Fisher and Miller should fail to introduce the whole number of emigrants contracted for, by them, (on the first day of March, one thousand eight hundred and forty-six, agreeable to the provisions of this act,) they shall be entitled to receive compensation, pro rata, for the number actually introduced, provided, nothing herein contained, shall be so construed, as to relieve the said contractors from introducing the number required by the first of March, one thousand eight hundred and forty-five, as provided in the first part of said condition.

Sec. 3. Be it further resolved, That such clauses as are contained in said contract, as require the emigrants introduced in virtue thereof, to cultivate a particular number of acres of land, and to build cabins thereon, be, and the same is hereby repealed, and that they receive from this Government, an unconditional title for their respective lands, when, they shall have resided and cultivated a portion of land, within the limits of the territory designated, and set apart, in said contract, for the term of three successive years, after the manner prescribed in the first section of this act.

Sec. 4. Be it further resolved, That this act shall be considered, as supplemental to, and explanatory of said contract, mentioned in the first section of this act, and that all parts of laws contravening the provisions of this act be, and the same are hereby repealed, and that this Joint Resolution take effect from and after its passage.

Approved, January 29th, 1845.

AN ACT

To amend an act, entitled "An Act to incorporate the Brazos Canal Company."

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the fourteenth section of the said act be, and is hereby repealed, and that the following provision is hereby substituted for same, i. e, that the Congress of this Republic shall, in five years after the completion of the said Canal, so far, regulate the assessment of the tolls, as, to appoint a Commissioner on the part of the Republic, who, with a Commissioner to be appointed by the President and Directors, (or by a majority of the stock holders, in meeting assembled) their successors, or assigns, which said Commissioners shall fix the rate of toll on the passage of boats through the said Canal, and, in case such Commissioners shall disagree, that they shall have the power to appoint an umpire, whose decision shall be final and absolute.

Approved, January 29th, 1845.

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JOINT RESOLUTION

For the relief of Alexander Stevenson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this Joint Resolution, the Collector of Customs of the Port of Aransas, be, and is hereby authorized to credit the account of Alexander Stevenson, to the amount of one hundred and thirty-three dollars and sixty-two cents, for duties on goods imported by him into the Republic.

Approved, January 30th, 1845.

## JOINT RESOLUTION

For the relief of J. C. Neill.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That this Government settle upon Colonel J. C. Neill, a pension of two hundred dollars per annum, to continue during his life, to be paid semi-annually, one hundred of which shall be paid on the tenth day of February, one thousand eight hundred and forty-five, and the first day of July next, and that these shall be the periods at which in future said pension shall be paid.

Sec. 2. Be it further resolved, That the Secretary of the Treasury be required and instructed, without further authority, to comply with the requisitions of this law, which has full force and bearing from and after its passage.

Approved, January 30th, 1845.

## JOINT RESOLUTION.

For the relief of Sam. Ricker, Jr.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury, be, and they are hereby authorized and required to audit and allow the claims of Sam. Ricker Jr., for monies advanced for unpaid letters, to the amount of three hundred and ninety-nine dollars and fifty-two cents, and that the same be receivable for direct taxes, due previous to the first day of January, one thousand eight hundred and forty-five.

Sec. 2. Be it further resolved, That they shall issue drafts for the above amount, in such sums not less than fifty dollars as may be required by the said Sam. Ricker Jr.; and that this Joint Resolution take effect from and after its passage.

Approved, January 30th, 1845.



JOINT RESOLUTION

Requiring the Government to relinquish its title to two lots in the town of Quintana.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all the right, title and interest now vested in the Government of Texas, in and to lots numbers five and eight, in block number sixteen, in the town of Quintana, at the mouth of the Brazos River, with the appurtenances thereon affixed, be, and the same is hereby relinquished to Emily M. Perry, and that she be vested with the same title she had previous to its transfer to the Government of Texas.

Approved, January 20th, 1845.

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AN ACT

For the relief of the heirs of Thomas R. Townsend, deceased.

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, be, and he is hereby required to issue patents to Thomas R. Townsend, assignee of Francis Bitticks, for one league and labor of land, also, to Thomas R. Townsend, assignee of William Cheers, for one third of a league of land, also, to Thomas R. Townsend, assignee of John F. Cheers, for one third of a league of land, upon the same principles as though said certificates had been recommended as genuine and legal by the travelling Board of Commissioners.

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

Approved, January 30th, 1845.

## AN ACT

Establishing a certain Mail Route, and attaching the same to a certain other route.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a mail route is hereby established from Galveston to Point Bolivar, and attached to the route leading from Point Bolivar to Páttillo.

Approved January 30th, 1845.

## AN ACT

For the relief of Jerome B. Robertson.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the land certificate heretofore issued by the Board of Land Commissioners for the county of Washington, to Jerome B. Robertson, for one league and one labor of land, be, and the same is hereby declared a genuine and legal claim against the Government of Texas, and the Commissioner of the General Land Office, is hereby authorized and required, to issue a patent or patents upon the said certificate, as in other cases, and as though the same had been recommended for patent by the Board of Commissioners, appointed under the act, entitled "An Act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants."

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

Approved, January 30th, 1845.

## AN ACT

To provide for the carrying of the Public Mails from April first, one thousand eight hundred and forty-five, to April first, one thousand eight hundred and forty-six, and establishing routes and rates of Postage, &c.

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 the Public Mails on the following routes, weekly, from April first, one thousand eight hundred and forty-five, to April first, one thousand eight hundred and forty-six, a period of twelve months, to wit: San Antonio to La Grange, via Seguin, Gonzales and Hallett's; La Grange to Fantharp's, via Rutersville, Shelby's, Sieper's, Buster's, Brenham, Independence and Washington; Fantharp's to Crockett, via McGuffin's, Huntsville and Cincinnati; Fantharp's to Huntsville, via Rusk, Jacob Shannon's, Montgomery, Lone Oak and Collard's; Crockett to San Augustine, via Masters', Mount Airy, Douglass, Nacogdoches, Melrose and Flournoy's; San Augustine to Sabine Town, via Milam; Nacogdoches to Marshall, via Wm. Wooton's, and Henderson and Hiram Walkers'; San Augustine to Marshall, via Shelbyville, Hilliard's, Mount Mourn and Parry's; Marshall to Boston, via Daingerfield and Weaver's; Boston to Bonham, via De Kalb, Savannah, Clarksville, Blossom Prairie, Paris and Honey Grove; Austin to Columbus, via Smithwick's, Bastrop, Mount Pleasant, Cunningham's, Miller's, La Grange and Frail's on Cummings' Creek; Columbus to Matagorda, via Egypt, Peach Creek, Preston and Caney; Columbia to Galveston, via Hines', Brown's, Liverpool and Virginia Point, Velasco to San Felipe, via Brazoria, Columbia, Orizimbo, Big Creek and Richmond; San Felipe to Franklin, via Bostwick's Crossing, Travis, Cedar Creek, Washington, Boonville and Wheelock's; Franklin to Dallas, via Alta Springs, Parker's Point, Melton's and Chambers' Creek; Dallas to Bonham, via M'Garrah's; Fantharps to Crockett, via Mitchell's, Leona Mills, Alabama and Mustang Prairie; Crockett to Fort Houston, via Petett's; Washington to Houston, via

Arnold's; Houston to Galveston, via Lynchburgh; Houston to Egypt, via Hodge's Bend, Richmond and Damon's Mill; Egypt to Victoria, by way of Texana; Independence to Franklin, via Mound Prairie, Caldwell, Dilliard's and Nashville; from Galveston to Swartwout, via Chambersia and Liberty; Huntsville to Jasper, via Rankin's, Swartwout, Criswell's, Hooker's, Ratcliff's and Town-Bluff; Jasper to Sabine Town, via William's on Cow Creek; Point Bolivar to Pattillo's, via David Garner's and Beaumont; Matagorda to Port Caballo, via Matagorda Bay; from Port Lavacca to Gonzales, via Victoria and Cuero; Clarksville to Fort Towson, U. States; Boston to Fulton, U. States, via Moorsville; Montgomery to Houston, via Jacob Croff's on Spring Creek; Marshall to Greenwood, United States, via Port Caddo; Sabine Town to McClannahan's, United States.

Sec. 2. Be it further enacted, That all contractors for carrying the Mail, 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 due for that week; and if they fail more than one week, at one time, they shall forfeit all pay for the time lost.

Sec. 3. Be it further enacted, That the following rates of postage be established, to wit: each single letter, distance less than one hundred miles, ten cents; each single letter, one hundred miles and upwards, twenty cents; each double letter, double the above rates; each triple letter, triple the above rates; and each package of one ounce, quadruple the above rates, and any larger package, in proportion, according to its weight; on ship letters, five cents; way letters, five 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 above rates; on books and pamphlets, per sheet, the same as newspapers. The postage to be paid in Gold or Silver.

Sec. 4. Be it further enacted, That so much of the thirteenth section of an act, entitled "An Act to amend, and to reduce into one, the several laws regulating the Post Office Department," approved February sixth, one thousand eight hundred and forty, as reads, "and except also, such as are directed to be delivered at the port of delivery, to which such

ship or vessel may be bound," be, and the same is hereby repealed.

Sec. 5. 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 per annum.

Sec. 6. Be it further enacted, That from and after the passage of this act, a Post Office shall be established at Corpus Christi, and the Post Master at Galveston, shall, (when an opportunity may occur,) forward the mail to Corpus Christi by water, and there shall be collected, as postage, on all letters so forwarded, five cents in addition to the postage which should have accrued at the Port of Galveston.

Sec. 7. Be it further enacted, That this act shall take effect and be in force from and after the first day of April next.

Approved, January 30th, 1845.

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## AN ACT

To authorize the appointment of Trustees in certain cases.

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, it shall be lawful for any denomination of Christians, or the citizens of any neighborhood in this Republic to appoint a board or boards of Trustees, for meeting houses, camp grounds, parsonages and school houses.

Sec. 2. Be it further enacted, That each denomination shall be allowed to adopt its own method of appointing Trustees and that when the citizens of any neighborhood shall be disposed to build a school-house, a public meeting of the citizens shall be called, by giving at least ten days previous notice, said meeting shall choose a President and Secretary for the time being, and when the meeting is so organized, they

shall proceed to elect by a majority of votes, in the manner they may think best, a suitable number of Trustees, not less than three nor more than nine, and a certificate of their election shall be made out and signed by the President and Secretary of the meeting, and shall within sixty days thereafter be forwarded to the office of Recorder for the county, in which such election shall have taken place, and in case an appointment of Trustees shall be made by any church or denomination of christians, a like certificate of their appointment shall be made out and signed by the proper officer or officers of the church or denomination making the appointment, and be forwarded for record as above specified.

Sec. 3. Be it further enacted, That all vacancies in boards of Trustees, shall be filled by each body having jurisdiction in the case, provided, that when a board of Trustees shall be dissolved by death resignation or otherwise, it shall be lawful for the party having jurisdiction in the case, to appoint a new board of Trustees, as provided for in the first section of this act.

Sec. 4. Be it further enacted, That when a board of Trustees shall be so constituted, they shall be considered in law and equity a body politic and corporate, capable of making contracts, of suing and being sued, of pleading and being impleaded, of receiving and holding, (in trust,) lands and other property for the purpose of building meeting houses, camp grounds, parsonages or school houses as the case may be, for the use and benefit of the church or people appointing them; and in all cases said Trustees shall be accountable to the power appointing them, for the faithful performance of their duty, and it shall be lawful for those having jurisdiction, to remove them from office at any time for delinquent conduct.

Sec. 5. Be it further enacted, That all lands (not exceeding ten acres in each case,) held by such Trustees, for any one or all of the purposes above named, together with the buildings, improvements and furniture belonging to the same, shall be held free from taxation until the legislature shall otherwise direct.

Sec. 6. Be it further enacted, That all lands or other property heretofore conveyed to any church, or denomination of christians, or association of the people, for the purposes above named, shall enjoy all the benefits of this act, Pro-

vided, the amount of lands exempt from taxation, shall not exceed ten acres in each case.

Sec. 7. Be it further enacted, That it shall be the duty of the President of the Trustees, as contemplated by this act, to give in the lands or other property for taxation, belonging to such Trustees under oath, except such as are exempt by this act, and the right is hereby reserved to the legislature, to make such alterations, modifications or restrictions of this act, as may seem to it, to comport with the public interest.

Approved, January 30th, 1845.

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### AN ACT

Making an appropriation for the payment of outstanding liabilities of the Government, incurred for Indian purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of four thousand forty-two dollars be, and the same hereby, is, appropriated for paying the outstanding liabilities, of the Government of this Republic, incurred during the last year for Indian purposes.

Sec. 2. Be it further enacted, That the aforesaid appropriation be placed at the disposal of His Excellency the President of this Republic.

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

Approved, January 30th, 1845.

## AN ACT

To incorporate the Grand Lodge of the Republic of Texas, and other subordinate Lodges.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Grand Master, Grand Wardens and Brethren of the Grand Lodge of the Republic of Texas, be, and are hereby constituted and declared to be a body corporate and politic, under the name and style of the Grand Lodge of the Republic of Texas, with power and authority, to sue and be sued, plead and be impleaded; to have and use a common seal, and at pleasure to alter or change the same, and in their corporate capacity to hold and possess estate, real and personal, not exceeding twenty thousand dollars in value, with full and ample powers to dissolve their corporation at any time they may deem proper, and to sell and convey their corporate property and distribute the proceeds among the individual members of the Lodge or in such other manner as they may direct, provided the amount of real estate in lands shall not exceed five acres, and further provided, that when real estate shall accrue to said Grand Lodge, and subordinate Lodges, by donation or will, they shall have the period of two years to dispose of the same.

Sec. 2. Be it further enacted, That the provisions of the first section of this act, shall be extended to the Master, Wardens and Brethren of Holland Lodge, number one, at Houston, to the Master, Wardens and Brethren of Harmony Lodge, number six, at Galveston; to the Master, Wardens and Brethren of Orphans Friends Lodge, number seventeen, at Fantharps in Montgomery county, and to such other subordinate Lodges as are, or may be established under the Grand Lodge of the Republic of Texas, that may avail themselves of the same.

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

Approved, January 30th, 1845.



AN ACT

To incorporate the town of Huntsville.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Huntsville in Montgomery county, be, and they are hereby declared a body corporate and politic, under the name and style of the corporation of the town of Huntsville, who shall have the power of suing and being sued, pleading and being impleaded, and to hold property real and personal within the limits of said corporation, and at their pleasure to sell and dispose of the same.

Sec. 2. Be it further enacted, That the corporate limits of the said town shall extend one half mile in every direction from the centre of the public square.

Sec. 3. Be it further enacted, That it shall be the duty of the Chief Justice of the county, to order an election to be held as early as practicable, after the passage of this act, upon giving ten days notice thereof, for the election of one Mayor, and six Aldermen, a Collector or Constable, Treasurer and Secretary, who shall hold their offices for the term of one year from the time of their election. In case a vacancy occur by death resignation or otherwise, the vacancy for the unexpired term, shall be filled by new election, as follows, in case of vacancy in the office of Mayor, then the election to be conducted by a quorum of the board of Aldermen, but in case of vacancy in the board of Aldermen, Collector, Treasurer or Secretary, then the election shall be conducted by the Mayor. All persons residing within the corporation, shall be entitled to a vote for the above named officers, who are eligible to vote for Members of Congress.

Sec. 4. Be it further enacted, That the Mayor and two-thirds of the Aldermen shall constitute a board to transact business.

Sec. 5. Be it further enacted, That the Collector, Treasurer and Secretary, shall give bond in such sum, and with such securities, as shall be approved by the Mayor and board of Aldermen, and that all officers elected by virtue of this act, before entering upon the duties of their office, shall take and

subscribe an oath, for the faithful performance of the duties of their respective offices.

Sec. 6. Be it further enacted, That it shall be the duty of the Mayor to cause an election to be held annually, at least ten days before the expiration of his term of office, for Mayor, Aldermen, Collector, Treasurer and Secretary, who shall enter upon the duties of their offices respectively, upon the expiration of the term of their predecessors.

Sec. 7. Be it further enacted, That the Mayor shall have jurisdiction and exercise the powers of a Justice of the Peace, over all offences committed against the ordinances and decrees of the Mayor and board of Aldermen, within the limits of the corporation.

Sec. 8. Be it further enacted, That the Mayor and Aldermen, shall have power to pass such ordinances and decrees, as they shall deem necessary for the establishing schools and support of education, for the regulation of the police and preservation of order, to prescribe penalties, to levy taxes for the removal of nuisances, keeping the streets in order, and such other purposes, as the board may deem necessary and proper within the corporate limits of said town, provided, such ordinances and decrees shall not conflict with the constitution and laws of this Republic.

Approved, January 30th, 1845.

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#### JOINT RESOLUTION

To provide for the organization of Goliad County.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the present representative from Goliad county, (Isaac W. Johnson,) be, and he is hereby authorized and empowered to order and hold an election, for a Chief Justice of the county aforesaid, in the same manner that all other elections are held by law, the returns of which shall be made to him by the

presiding officers of the various precincts, and by him sent to the State Department of the Republic, upon the receipt of which a commission shall issue to the individual receiving the highest number of votes, as in other cases.

Sec. 2. Be it further resolved, That so soon as an election shall be had as aforesaid, the person receiving the highest number of votes, shall, after taking the oath prescribed by law, enter upon the discharge of his duties and proceed to organize said county, by ordering elections for all other county officers; said Chief Justice, when elected and qualified, is duly empowered to demand and receive all papers, books, etc., composing or belonging to the records of the courts, and surveyors office of said county, and the same safely to keep and preserve, until proper officers are elected to take charge of the same, when he shall deliver them over to the persons legally authorized to receive them.

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

Approved, January 30th, 1845.

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## AN ACT

Establishing a Mail Route therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be a post route established between the city of Galveston and Matagorda, via: San Luis and Velasco, and shall be let out upon the same provisions as other mail routes of this Republic.

Approved, January 30th, 1845.

## JOINT RESOLUTION.

Requiring the President to appoint an additional Notary Public, for the county of Gonzales and Fort Boggy in Robertson county.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic, be, and he is hereby authorized and required to appoint one additional Notary Public at the town of Seguin, in and for the county of Gonzales, also one Notary Public for Fort Boggy in the county of Robertson.

Approved, February 1st, 1845.

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AN ACT

To allow Thomas Robinson to adopt a certain child therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Thomas Robinson of the county of Fayette, be, and is hereby authorized to adopt Thomas Elder as his lawful child, and that the said Thomas Elder is capable of inheriting by law, the property of said Thomas Robinson, in the same manner, as if he had been born his own child in wedlock.

Sec. 2. Be it further enacted, That the said Thomas Elder, shall be called and known as Thomas Elder Robinson, from and after the passage of this act.

Approved, February 1st, 1845.

AN ACT

Amendatory to act, entitled An Act to establish and incorporate the Marshall University.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter the number of Trustees of the Marshall University shall be reduced to nine, and they shall consist of the following individuals, H. B. Kelsey, Joseph Mason, M. L. Woods, J. W. Maulding, George B. Adkins, William P. Hill, William J. Blocker, J. Y. Collier, Samuel M. Parry.

Sec. 2. Be it further enacted, That the said Trustees are hereby authorized to dispose of two leagues of land donated to said University, at such time, and upon such terms as they may think proper: Provided, that it shall not be sold at less than one dollar per acre; and that this act shall take effect from and after its passage.

Approved, February 1st, 1845.

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JOINT RESOLUTION.

For the relief of Helena Nelson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and he is hereby authorized and required to issue a certificate to Helena Nelson, for one league and labor of land, it being the quantum of land to which she is entitled, as the head of a family at the Declaration of Independence.

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

Approved, February 1st, 1845.

## AN ACT

Supplementary to An Act to establish the Eastern boundary line of Rusk County, and for other purposes, approved 31st December, 1844.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That instead of running the Eastern boundary line of Rusk county, due North, from the place of beginning, as contemplated by the act, to which this is a supplement, the said line shall be run from the said place of beginning, up the main channel of the Attoyac Bayou, to the crossing of the road leading from William Corder's of Shelby, to Claiborne Johnson's of Rusk county, thence due North to the old line that divided Harrison from Shelby county before the passage of the act, to which this is a supplement, thence due East to a point due North from the place of beginning, thence due North as contemplated by the said act to which this is a supplement, which line as herein provided for, shall be, and is hereby declared the Eastern boundary line of the said county of Rusk, any thing in the act to which this is a supplement to the contrary notwithstanding.

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

Approved, February 1st, 1845.

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AN ACT

For the relief of Thomas Tomlinson.

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, be, and he is hereby required to issue to Thomas Tomlinson Jr., minor

heir of Thomas Tomlinson Sr., a patent for one league and one labor of land, on a certificate granted by the Board of Land Commissioners for the county of Red River, to George W. Wright, administrator of the estate of Thomas Tomlinson Sr., deceased.

Approved, February 1st, 1845.

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AN ACT

Relative to Tonnage Duties.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first of April, eighteen hundred and forty-five, there shall be levied and collected, on each and every Texian vessel, and on each and every foreign vessel, entitled by treaty to equality with Texian vessels, a tonnage of sixty-two and a half cents for each ton of her burthen, on arriving in a port of this Republic from a foreign port.

Sec. 2. Be it further enacted, That from and after the date aforesaid, there shall be levied and collected, on each and every foreign vessel, not entitled by treaty to equality with Texian vessels, on arriving in a port of this Republic, from a foreign port the tonnage duty as heretofore, of one dollar for each ton of her burthen, unless that amount should be less than the tonnage duty which would be exacted of a Texian vessel, on entering a port of the nation to which such foreign vessel belongs, in which case it shall be lawful to exact of said foreign vessel, the same tonnage duty to which in a port of said vessels' nation, a Texian vessel would be liable, but no collector shall exact such augmentation of tonnage duty until authorized by instructions of the Secretary of the Treasury.

Sec. 3. Be it further enacted, That there shall be levied and collected, from each Texian vessel of foreign construction that may take out a coasting license from and after

the date aforesaid, an annual coasting tonnage duty of sixty-two and a half cents for each ton of her burthen, to be collected in the manner provided for in "an act for the regulation of the coasting trade and the protection of Texian shipping," approved January fourth eighteen hundred and forty-one.

Sec. 4. Be it further enacted, That from and after the date aforesaid, whenever a vessel arrives from a foreign port in a port of this Republic in ballast, she shall on entry be liable to no more than one quarter of the rate of tonnage duty required of her in the foregoing sections, and if she depart from the same port in ballast, no additional amount of tonnage duty shall then be required of her, but if she depart from said port with cargo, or proceed coastwise in ballast, to another port of the Republic, and there take in cargo, she shall pay the remaining three quarters of her regular rate of tonnage duty, at the port whence she clears with lading.

Approved, February 1st, 1845.

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#### JOINT RESOLUTION.

Making legitimate a certain person therein named.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Leander Beason Jr., an illegitimate and infant son of Leander Beason Sr., and Martha Jane Pace, be, and he is hereby declared to be the legitimate son and heir of the aforesaid Leander Beason Sr., and capable of inheriting, the same as though born in wedlock.

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

Approved, February 1st, 1845.



AN ACT

For the better security of Customs.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury is authorized to appoint an officer in the Custom-house at Galveston, whose duty it shall be to take cognizance of the entries of Merchandize and collection and disbursement of revenue made in that office, and to make quarterly returns of the same, independent of those of the Collector, and to perform such duties, with regard to the revenue as shall be from time to time required of him by the Secretary of the Treasury, which officer shall receive the same salary as a Chief Clerk of one of the Government Departments; and this act shall take effect from and after its passage.

Approved, February 1st, 1845.

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JOINT RESOLUTION

For the relief of Jeremiah Latham.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue a certificate in favor of Jeremiah Latham for a labor of land, being the balance due him for his head-right, which said labor may be located on any of the vacant domain of this Republic, and that this Joint Resolution shall take effect from and after its passage.

Approved, February, 1st, 1845.

## JOINT RESOLUTION

For the relief of Francis Hughes, John C. Baker, Henry Wicks, G. B. Pilant, G. W. Trieghen and Henry W. Augustine who are permanently disabled in the service of the country.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office, be, and is hereby required, to issue to Francis Hughes, John C. Baker, Henry Wicks, G. B. Pilant, G. W. Trieghen, and Henry W. Augustine, a certificate for one league and labor of land each, to be located on any vacant and unappropriated lands of this Republic.

Sec. 2. Be it further resolved, That when the surveys are made and field notes returned on the same, in accordance with law, it is hereby made the duty of the Commissioner of the General Land Office, to issue patents thereon; and that this Joint Resolution take effect from and after its passage.

Approved, February 1st, 1845.

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AN ACT

For the relief of Bertholett Heald & Co.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and is hereby authorized and required, to issue a draft or drafts, receivable for direct taxes in the counties of Red River and Lamar, in favor of Bartholett Heald & Co., for the sum of nine hundred dollars.

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

Approved, February 1st, 1845.

AN ACT

To repeal in part, and amend an act, repealing in part and amending an act, entitled An Act for the Corporation of the city of Galveston, approved February 5th, 1844.

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 last sentence of the seventeenth section of said act, as is in the following words "provided that the provisions of this section shall not apply to resident citizens of Texas," be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That section twenty-one of said act be amended as follows: "Section twenty-one, 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 this act, and so much of the act entitled An Act for the incorporation of the city of Galveston, approved fifth February, one thousand eight hundred and forty, as is not hereby repealed, any laws to the contrary notwithstanding."

Approved, February 1st, 1845.

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AN ACT

For the incorporation of Rusk County Academy.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a seminary of learning, be, and the same is hereby established at the town of Henderson, in the county of Rusk, to be denominated the Rusk county Academy.

Sec. 2. Be it further enacted, That there shall be thirteen Trustees appointed, who are hereby authorized to take charge of the interests of the Academy, which shall be located as

aforesaid, and a majority of the whole number of Trustees shall constitute a quorum for the transaction of business.

Sec. 3. Be it further enacted, That the following persons are hereby appointed Trustees of said Academy, and shall be recognized as such, viz: James Smith, Wm. B. Ochiltree, Archibald H. Watkins, Robert W. Smith, Robert L. Lane, Elijah Allen, Ezra Wilson, Wm. Halton, Wm. Howeth, John W. Massie, Isaac Ferguson, William Woolwine and John Hammons.

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

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

Sec. 6. Be it further enacted, That the Trustees of said Academy, may and shall have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time as they shall think proper, and 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 unto, defend in all courts of law and equity in this Republic, and to grant, bargain and sell any lands and tenements, goods and chattels that may hereafter belong to said academy, to construct all necessary buildings for said institution, to establish a preparatory De-

partment and a female Department, and such other dependent institutions as they shall deem necessary, to have 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 said institution, in as ample a manner as persons or bodies politic or corporate can and may 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 forming and enacting all such ordinances and by-laws as shall appear to them necessary for the good government of the said academy, and of their own proceedings; Provided, they be not repugnant to the constitution and laws of the Republic of Texas.

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

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

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

Sec. 11. Be it further enacted, That whenever a vacancy shall occur in the Presidency or any of the Professorships of

the Academy, the board of Trustees shall have power to fill such vacancy.

Sec. 12. Be it further enacted, That the Trustees shall have the power of fixing the salaries of the officers of the Academy, or of removing any of them for neglect or misconduct in office, a majority of the whole number concurring in said removal.

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

Sec. 14. Be it further enacted, That land, buildings, and other property belonging to said institution, are hereby declared to be free from any kind of public tax, for five years from the time of its location.

Sec. 15. Be it further enacted, That the Trustees of said Academy, shall have power to appoint six honorary members to be added to their number; and the members so appointed may take their seats at any meeting of the board, and have all the powers and privileges that other members of the board have: Provided, that a quorum of the board of Trustees constituted by this act shall be present, and that this charter shall be subject to such alterations, revision and amendments as Congress may from time to time think necessary.

Sec. 16. Be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading.

Approved, February 1st, 1845.

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## AN ACT

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

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the following amounts be, and the same are hereby appro-

priated, for the support of the Government, for the year one thousand eight hundred and forty-five, to wit: for pay and mileage of members of the ninth Congress, eleven thousand dollars.

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

For pay of Secretary of the Senate during the recess of Congress, seven hundred dollars.

For contingent expenses of the ninth 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 State Department, one thousand dollars.

For hire of porters, one half for Treasury Department and Bureaux to be under control of Secretary of the Treasury, and the balance for the other Departments under control of the Secretary of State, two hundred dollars.

For contingent expenses to the Post Office Bureau, one thousand three hundred and sixty dollars.

For transportation of mails for the year one thousand eight hundred and forty-five, fifteen 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, including a set of books, printing, amounts now due and owing &c., seven hundred and thirty dollars.

For compensation and expenses of travelling agent for the Treasury Department, one thousand two hundred and fifty dollars.

For compensation of the Comptroller, one thousand dollars.

For printing the laws and journals of the ninth Congress, four thousand dollars.

For contingent expenses of Comptroller's Office, one hundred dollars, and sixty-five dollars for printing Treasury Warrants, &c.

For compensation of Auditor, one thousand dollars.

For contingent expenses Auditor's Office, two hundred and forty dollars, including seventy-five dollars now due and owing.

For compensation of Treasurer, one thousand dollars.

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

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

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

For compensation of Captain of Ordnance, six hundred dollars.

For compensation of the Attorney General, one thousand dollars.

For contingent expenses of Attorney General's Office, one hundred and fifty dollars.

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

For expenses of the General Land Office as follows: books and stationery, five hundred dollars.

For the purchase of blank patents, one thousand five hundred dollars.

For surveying land scrip, eight hundred dollars.

For county maps, fifteen hundred dollars.

For connecting surveys and county lines, one thousand dollars.

For contingent expenses (embracing cost of fire wood, portorage, nails, glue, canvass for maps, &c. &c.,) one thousand dollars.

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

For compensation of eighteen Clerks employed in the various Departments and Bureaux, to wit: seven Clerks for the Land Office, three Clerks for the State Department, three for the Treasury Department, (including a book keeper, who



shall receive the same pay as Chief Clerks of Departments,) one for the War and Marine Department, one for the Comptroller's Office, one for the Auditor's Office, and two for the Post Office Bureau, thirteen thousand two hundred and fifty dollars.

For compensation of two Chargé d'Affaires, nine thousand dollars for full pay of salary, outfit and contingent, and any law or parts of laws heretofore in force allowing an outfit to foreign ministers, are hereby repealed.

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

For compensation of the Chief Justice of the Republic and seven associate Judges, to be paid as follows: five at one thousand seven hundred and fifty dollars per annum, and three at one thousand five hundred dollars per annum, thirteen thousand two hundred and fifty dollars.

For contingent expenses of the Supreme Court, five hundred dollars.

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

For compensation of seven District Attorneys, two thousand one hundred dollars.

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

For secret service at the disposition of the President, five thousand dollars, for the disbursement of which amount the President will render a proper account thereof to the next Congress.

For compensation of the officers of the ninth Congress, Chaplain and Reporter, three thousand two hundred dollars.

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

For the pension of Maria Jesusa Garcia, one hundred dollars.

For the pension of Mary Millsape and family, two hundred dollars.

For keeping the Navy in ordinary, eight thousand dollars, including four hundred and seventy-five dollars and fifty cents due James Denny for repairing the vessels, and five

hundred and fifty-one dollars for pilotage due to George Simpton.

Sec. 2. Be it further enacted, That the unexpended balances of the appropriation for the support of Government for the year one thousand eight hundred and forty-four, is hereby cancelled, except when services have been rendered, and debts contracted anterior to this act.

Sec. 3. 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, one thousand eight hundred and forty-four, or from the date of their appointment.

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

Approved, February 1st, 1845.

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#### AN ACT

For the relief of John Robinson.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Board of Land Commissioners for the county of Lamar, be, and they are hereby authorized and required to issue to John Robinson, an additional certificate for three hundred and twenty acres of land; and that the Commissioner of the General Land Office respect the same as a genuine claim against the Republic; Provided, that said certificate in the location and survey of the same, shall not be divided, and the whole shall be located and surveyed at one place.

Approved, February 1st, 1845.

AN ACT

To amend an act incorporating the town of Bastrop.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the corporate limits of the town of Bastrop, shall extend over the four league survey belonging to said town.

Sec. 2. Be it further enacted, That for the purpose of maintaining order within said limits, the said Mayor and Aldermen shall be authorized to appoint one city Marshal, who shall give bond and security to the Mayor for the faithful performance of his duties; said Marshal shall perform such duties as may be assigned him by said Mayor and Aldermen.

Sec. 3. Be it further enacted, That said council shall be required to appoint such number of the citizens to patrol the said town as they may deem necessary, and that the citizens appointed as aforesaid, shall be compelled to perform such duty as the said council may assign them, or pay to said corporation such fine as may be established by the ordinances of said corporation.

Sec. 4. Be it further enacted, That the said corporation shall have power to pass and enforce all necessary ordinances and resolutions, to preserve order, and also to prevent the assembling of colored persons within said limits.

Sec. 5. Be it further enacted, That the Mayor of said town shall be fully authorized and required to carry into execution all the ordinances of said corporation; and for that purpose he shall be authorized to arrest the person of any delinquent, and may, for a violation of any of the ordinances, impose a fine or inflict punishment; Provided, that the punishment inflicted for any one offence, shall not exceed ten days imprisonment in the County Jail, and no fine inflicted shall exceed one hundred dollars.

Approved, February 1st, 1845.

## AN ACT

For the incorporation of the town of Henderson, in the County of Rusk.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Henderson, be, and they are hereby declared a body corporate and politic, under the name and style of the "corporation of the town of Henderson," who shall have the power of suing and being sued, pleading and being impleaded, and to hold and dispose of real and personal property: Provided, such real estate is situated within the limits of said corporation.

Sec. 2. Be it further enacted, That it shall be the duty of the citizens of the said corporation, to elect eight Aldermen and a Mayor, who shall be ex-officio, a Justice of the Peace, a Treasurer and Secretary shall be selected by said Aldermen from their own body, and a Collector shall be elected by the citizens of said corporation; the Treasurer and Collector shall be required to give bond with security, to be approved of by the presiding officer, for the faithful performance of their duties, and to make reports when required by the Mayor or board of Aldermen, that the citizens of said corporation shall elect a Constable, that the Mayor shall have power when necessary, to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order.

Sec. 3. Be it further enacted, That the first election shall be held under the directions of the Chief Justice of the county of Rusk, after having given ten days notice thereof, and annually afterwards, under the directions of the Mayor, at least ten days before the expiration of his term of office, and in case of death or resignation, the vacancy or vacancies shall be filled by new elections, to be ordered by the Mayor, and in case of the death or resignation of the Mayor, the board of Aldermen shall elect one of their own body to act as Mayor, until the next annual election.

Sec. 4. Be it further enacted, That no person shall be eligi-

ble to hold an office in said corporation, or to vote for the officers thereof, unless he shall have resided in, and be a free-holder or house holder in the same, during the period of six months immediately preceding such election, and have acquired the rights of citizenship, in conformity with the laws of this Republic.

Sec. 5. Be it further enacted, That the Mayor and board of Aldermen of said corporation, shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the corporation limits; to levy taxes for the removal of nuisances, and keeping the streets in good order, and shall have the further power, to prescribe penalties for the violation of such ordinances or by-laws; Provided, however, that in no case shall such penalty exceed one hundred dollars.

Sec. 6. Be it further enacted, That the limits of said corporation shall extend one half mile in a square, so laid off as to leave the public square in the centre of said corporation.

Sec. 7. Be it further enacted, That the Mayor with a majority of said Aldermen, shall constitute a quorum for the transaction of business, they shall enact and enforce such rules and regulations as they may deem necessary for the government of said corporation; Provided, the same does not conflict with the Constitution and laws of the Republic.

Approved, February 1st, 1845.

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#### AN ACT

Requiring the owners of lands in the counties of Refugio and San Patricio, to cause their lines to be designated and marked.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons owning lands in the counties of Refugio and San Patricio, by titles from the Mexican Government, or Govern-

ment of Coahuila and Texas, the lines of which have not been correctly and permanently marked and designated, shall, within two years from the passage of this act, cause the same to be re-surveyed, at their own expense, by the county surveyor of the county in which said land is situated, and shall cause permanent corners to be affixed to said surveys: provided, that nothing herein authorized to be done shall validate titles not otherwise valid.

Sec. 2. Be it further enacted, That when said lands shall have been re-surveyed as aforesaid, it shall be the duty of the owners thereof to return certified plats of the same to the General Land Office; and the said plats, when so returned, shall be delineated on the map of the county in which they lie, and shall, from the time of such return and delineation be regarded as the only true boundaries of said land.

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

Approved, February 1st, 1845.

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#### AN ACT

#### For the Protection of the Frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President is hereby authorized and required, to appoint Captain John C. Hays to organize and command the following detachments of troops, for the protection of the frontier, viz: For Robertson and Milam counties, two detachments, each to be commanded by a Lieutenant, and to consist of ten men: for the protection of Travis county, a detachment of fifteen men, to be commanded by a Lieutenant: for the county of Bexar, a detachment of one Lieutenant and thirty

men, to be commanded by Captain Hays in person: and for the counties of Refugio and Goliad, a detachment of fifteen men, to be commanded by a Lieutenant, whose pay shall be as follows: Captain, seventy-five dollars per month; Lieutenant, thirty dollars; Privates, twenty dollars; and who shall be furnished with ammunition, forage and subsistence, horse-shoeing, and medicines, by the Government: Provided, the same shall not exceed the sum of ten dollars per month for each person.

Sec. 2. Be it further enacted, That as soon as the above detachments shall be organized and reported, it shall be the duty of the President to cause the Officers to be commissioned, with instructions to scour the frontiers of their respective counties, protect them from incursions, and when concentrated in emergencies, to be under the command of Captain Hays. Each commander of a detachment, shall be the disbursing officer for the same, and shall be competent to make his return to the Secretary of War and Marine, and shall receive from the Secretary of the Treasury the money due for pay, subsistence, forage and ammunition, horse-shoeing and medicines, and disburse the same under bonds of three thousand dollars for the faithful performance of the duty.

Sec. 3. Be it further enacted, That the sum of thirty thousand dollars is hereby appropriated, to carry out the above provisions.

Sec. 4. Be it further enacted, That Henry L. Kinney, be, and he is hereby authorized to raise and organize one Company of forty armed men, with one Captain and one Lieutenant, for the purpose of protecting the settlements at Corpus Christi and its vicinity; and the President, so soon as they are organized and reported, shall receive them into the service, and issue the requisite commissions.

Sec. 5. Be it further enacted, That when the said H. L. Kinney has given his bond and security of five thousand dollars, conditioned for its faithful application, the Secretary of the Treasury shall cause the sums necessary for the pay, subsistence, forage and ammunition of the said Company, to be paid over quarterly to the said H. L. Kinney, to be disbursed by him; and the sum of fifteen thousand dollars is hereby appropriated for that purpose.

Sec. 6. Be it further enacted, That the Auditor is hereby

required to audit the accounts of H. L. Kinney, for the amount due of the pay and other contingent expenses of the Company now in service at Corpus Christi, under the order of the President, from the twenty-eighth November, eighteen hundred and forty four, until the twenty-eighth of January, eighteen hundred and forty-five; and that the Secretary of the Treasury pay over the aforesaid amount to said Kinney, which sum shall be deducted from the appropriation in this Act, for the protection of Corpus Christi.

Sec. 7. Be it further enacted, That should any circumstances transpire that might render unnecessary the longer continuance in service of any portion of the forces herein authorized to be raised, the President is authorized to disband the same.

Sec. 8. Be it further enacted, That the said H. L. Kinney, shall never receive any compensation for the services herein authorized, and the armed force thus employed, shall be subject to the rules and articles of war; and that this Act shall take effect from and after its passage.

Approved, February 1st, 1845.

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#### AN ACT

Providing for, and regulating Arbitrations and References.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons desirous to end any dispute or controversy by arbitration, for which there is no other remedy but by action of law or suit in equity, may agree, that their submission to arbitration shall be made a rule of the District or other Courts, and may insert such agreement in the submission or in the condition of the bond, agreement or promise, which agreement, on producing an affidavit of the due execution thereof,



by the party producing the same, and one of the subscribing witnesses, and filing the same in Court, shall be entered of record, and an order of Court shall thereupon be made, that the parties shall submit to, and be finally concluded by such arbitration; or such persons desirous to end any dispute or controversy as aforesaid, may personally appear before the District or other Courts, and acknowledge that they have mutually agreed to refer all their matters of difference, or any particular dispute to the arbitrament of certain persons, by them agreed on and named; on their desiring such submission to be made a rule of Court, the same may be entered of record, and a rule of Court shall be made, that the parties shall submit to, and be finally concluded by such arbitration. In either of the above cases, when the award shall be for money only, the same being returned into and accepted by the Court, judgment shall be rendered thereon for the party in whose favor the award is made, to recover the sum awarded, to be paid to him, together with the costs of arbitration and the costs of Court, and execution may issue thereon accordingly, no judgment shall be entered on any such award, unless it shall appear to the Court by the affidavit of the party claiming the entry of such judgment, his agent or attorney, or the return of the sheriff or his deputy, that a copy of the award and notice to appear and show cause why judgment should not be entered on the same, has been previously served on the party to be charged with the judgment at least three days before the motion for judgment shall be made. No judgment shall be entered on motion as aforesaid, after one year from the time of making the award, unless the entry of such judgment be delayed a longer time by a contest as to the validity of such award; Provided, that in no case shall the failure of a party, previous to the institution of any suit to give or offer an arbitration bond to defendant to comply with the award to be rendered by such arbitration, place the party in any worse situation than if such bond had been offered or given.

Sec. 2. Be it further enacted, That when the award shall be for the performance of any thing other than the payment of money, the same being returned into, and accepted by the Court as aforesaid, obedience thereto may be enforced in the said Court by attachment and imprisonment in the same man-

ner as obedience may be compelled to any other rule of the Court.

Sec. 3. Be it further enacted, That any arbitration, umpirage or award procured by perjury, corruption or undue or unfair means, shall be judged void, and may be set aside in law or equity: in equity by proceedings on original bill, and at law, on motion, in the Court where submission is made a rule of Court, or where any suit or proceedings shall be instituted on the arbitration bond, submission or award, complaint must be made of such corruption or undue practice before final judgment upon the said bond, submission or award. Whenever the arbitrators chosen shall have the privilege of calling in an umpire in case they cannot themselves decide, it is indispensable to the validity of the award, that the parties themselves choose the said umpire at the same time they select the original arbitrators, unless the party cast, choose to waive this privilege after the rendition of the award, any party may appeal from a judgment rendered on an award in the same manner as from any other judgment.

Sec. 4. Be it further enacted, That when any action may be pending in the District or other Courts and the parties desire to refer the same, it may be done by a rule of the Court, the report of the referees being approved by the Court, and entered of record, shall have the same effect as the verdict of a jury, and the like judgment shall be entered upon it as if the same finding had been by a jury, the costs of the reference shall be taxed with the other costs of the suit.

Sec. 5. Be it further enacted, That the several Clerks of the District and county Courts and Justices of the Peace, in the several counties may issue subpoenas for the attendance of witnesses before arbitrators and referees appointed by said Court or Justice. If any witness after being duly summoned shall fail to attend, the arbitrators or referees may issue an attachment to compel his attendance, and the said witness shall moreover be liable to the party for refusing to attend the same, as on trials at law. The arbitrators and referees may administer oaths and affirmations to witnesses, may punish contempts committed in their presence during the hearing of a cause, the same as a Court of record, may continue the hearing of a cause from time to time, upon good cause shown, and may admit depositions to be read in evi-

dence, the same as in trials at law; Provided that any party to an arbitration may take the deposition of a witness after having given the opposite party, his agent or attorney (if he have any) five days notice of the time and place at which such deposition will be taken; Provided, however, that an additional notice of one day shall be given for every twenty miles that such party, his agent or attorney may reside from the place at which the deposition is taken; Provided, that in taking such depositions, it shall not be necessary to propound interrogatories, or observe any other formalities than those herein specified, and further provided, that the opposite party may appear at such time and place, and put such cross questions as he may think proper, said notice shall specify the house at which such deposition shall be taken and before what officer.

Sec. 6. Be it further enacted, That such arbitrator or referee shall, before he proceeds to the duties of his appointment, take an oath or affirmation, faithfully, fairly and justly to hear and examine the cause or matters in question, and to make a true and just report or award (as the case may be,) according to the best of his skill and understanding, which oath or affirmation any Judge, Justice of the Peace, Clerk of the District or county Court, is authorized and required to administer.

Sec. 7. Be it further enacted, That each arbitrator and referee shall be allowed, for every days attendance to the business of his appointment, one dollar and fifty cents, to be recovered of the party with the other costs of suit, if the award or report shall entitle the prevailing party to recover costs, witnesses shall receive the same fees for attendance at arbitrations and references as are allowed them in the District Courts, Sheriffs, Constables, Clerks and Justices of the Peace shall be entitled to the same fees for services performed in relation to any arbitration or reference as are allowed by law for the like services in their respective Courts. It shall be the duty of the Sheriff or his deputy, or some Constable of the county, when called upon by either of the parties in arbitration, or either of the arbitrators or referees to attend the sessions of any arbitration, summon witnesses and perform all the other duties pertaining to their office in the same manner as if the matters were tried in the District Courts, and

in case it may be inconvenient for the Sheriff, deputy or Constable to discharge the duties necessary in and about any arbitration, the Sheriff is hereby authorized to appoint a special deputy or deputies, who shall be invested with all the powers in regard to the particular arbitration, as the Sheriff himself is invested with.

Sec. 8. Be it further enacted, That witnesses in attendance on arbitrations shall prove up their attendance before the arbitrators, and it shall be the duty of the arbitrators in addition to their award, to make a separate return to Court, subscribed with their names, of all the costs legally incurred in and about such arbitration.

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

Approved, February 1st, 1845.

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## AN ACT

### To Incorporate Baylor University.

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 such place within the Republic aforesaid, as the Trustees hereinafter named, may designate, to be denominated the Baylor University.

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

Sec. 3. Be it further enacted, That the following persons have been duly chosen Trustees of said University, and are recognized as such, to wit: R. E. B. Baylor, I. G. Thomas,

Albert G. Horton, Edward Taylor, James S. Lester, R. B. Jarman, James Huckins, Nelson Kavanaugh, O. Drake, Eli Mercer, Aaron Shannon, James Farquhar, Albert Haynes, Robert S. Armstead, and William M. Tryon.

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 the Baylor University, and by that name, they and their successors shall and may have 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 interest of said University: 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 University 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 in 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 chattels that may belong to said University, 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 to do all things whatsoever for the benefit of said institution, in as ample a man-

ner 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 said University, 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 University 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 the Baylor University; 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 from said University.

Sec. 9. Be it further enacted, That the Trustees shall have full power, by the President or Professors of the said University, to grant or confer such degree or degrees in the arts or sciences, to any of the students of the said University, or persons by them thought worthy, as are usually granted or conferred in other Universities, and to give diplomas or certificates thereof, signed by them, and sealed with the common seal of the Trustees of the said University, 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 Executive Committee of the Texas Baptist Education Society.

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

Sec. 12. Be it further enacted, That whenever a vacancy shall occur in the Presidency or any of the Professorships of

the University, the Board of Trustees shall have the power to fill such vacancy.

Sec. 13. Be it further enacted, That the Trustees shall have the power of fixing the salaries of all the officers connected with the University, and of removing 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 University, are hereby declared to be free from any kind of public tax.

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

Sec. 16. Be it further enacted, That the Professors of said University, shall not be eligible to act as Trustee or Trustees for the same, and in any case, either or any of the Trustees may hereafter be employed to discharge any of the duties in or about said University, he or they shall resign their station of Trustee or Trustees, before entering upon the discharge of 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 of 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 Act 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, February 1st, 1845.

## AN ACT

To amend the fourth and fifth sections of an act, approved January the twenty-seventh, one thousand eight hundred and forty-two, which act was supplementary to an act to raise a revenue by impost duties, 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 from and after the first of January, one thousand eight hundred and forty five, there shall be allowed to the collector of the port of Sabine, twenty per cent, upon all monies collected and paid over to the Treasury, by himself, and ten per cent upon all amounts received by him from deputy collectors in lieu of fifteen and five per cent, (as provided in the fifth section of an act to which this act is an amendment) until the fees of office and commissions amount to the sum of five hundred dollars per annum; after which the percentage shall be the same as is provided in the act aforesaid.

Sec. 2. Be it further enacted, That as the duty of securing the revenue justly incurred, requires more vigilance and exertion in the frontier districts than in others, the collector of either of the districts of Sabine, San Augustine, Soda Lake, or Red River, and any deputy collector in either, whenever his fees and commissions, before the expiration of a year amount to his maximum salary for that year, as regulated by the sections to which this act is an amendment, shall be allowed, after receiving the same, to receive also, as an additional contingent perquisite half the commissions and fees arising, at the same rates from any collections which he may make during the residue of the year, and the provisions of this section shall take effect from and after the first of January, one thousand eight hundred and forty-five.

Sec. 3. Be it further enacted, That there shall hereafter be paid to inspectors, not permanent, one dollar and fifty cents per diem, in lieu of two dollars, as is provided in the fourth section of the act to which this is an amendment; and this section shall have force and effect from and after its passage.

Approved, February 3d, 1845.



AN ACT

To authorize the erection of a light house on Galveston Island.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of seven thousand dollars, be, and the same is hereby appropriated for the purpose of erecting a light house on the east end of Galveston Island, the same to be paid out of the revenue arising from the tonnage duty levied on foreign vessels arriving at the port of Galveston.

Sec. 2. Be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized and required to advertise for proposals for the erection of the said light house, the work to commence on or before the first day of June next ensuing, the house and lantern to be at least seventy-five feet high, and built of stone, brick or wood, in the best manner; the work to be let out to the lowest bidder, upon his giving good and sufficient security, in double the amount of his contract, for the faithful performance of the same within the time prescribed in the agreement, which shall not exceed twelve months, from and after the passage of this act.

Sec. 3. Be it further enacted, That there shall be levied and collected upon all vessels arriving in the ports of this Republic from a foreign country, a light tax of three cents per ton, due and payable to the collector of the port at which she may arrive, for the support of light houses.

Approved, February 3d, 1845.

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AN ACT

To authorize the transportation of goods coastwise.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of February next, when a

vessel arrives in a port of this Republic, from a foreign country with goods, wares or merchandize, on board, destined to another port of this Republic, to which the vessel herself is not destined, it shall be lawful to unship such merchandize, under bond on a Texian vessel to the port of their final destination, without exacting payment of duties until their arrival at the second place of landing.

Sec. 2. Be it further enacted, That any consignment to be entitled to the privilege of such unshipment must be of such amount that the duties thereon shall not be less than one hundred dollars, and it must be entered at the first port by the owner, consignee or agent of the same, in the usual form, except that the entry and oath shall specify that the importation is entered for the privilege of reshipment coastwise, subject to duty, and that the entry and oath shall be in quadruplicate, and it must within thirty days after such entry and before the goods have left the public store or the charge of the revenue authorities, to be entered for such reshipment by a quadruplicate oath, sworn and signed by the owner, consignee or agent, which oath shall be attached to the previous entry and shall testify that the merchandize is truly intended to be shipped on board of a vessel whose name and that of her master it shall mention, and to be landed, subject to the revenue laws, at a second port of destination in this Republic, which it shall name, and that no fraud on the revenue is intended in such reshipment, and it shall also be requisite that the merchandize and effects so reshipped shall be contained in the same packages or cases in which they were imported, unless a change of packages should be necessary for their preservation, in which case they may be repacked before reshipment, under the inspection of the revenue authorities.

Sec. 3. Be it further enacted, That before such entry for reshipment is made, a bond shall be given to the satisfaction of the Collector, by two persons, who shall be jointly and severally bound to pay the full amount of the duties on the effects reshipped at the end of sixty days from its date, unless satisfactory proof be produced to the collector, within that time, that the said effects have been landed, and the duties thereon paid or secured according to law, or that the said effects have been accidentally lost or destroyed before being relanded.

Sec. 4. Be it further enacted, That where any merchandize is so reshipped, one copy of the quadruplicate entry with the affidavit of entry and re-entry attached shall accompany the manifest of the vessel on which the merchandize is re-laden, and another copy of the same shall be sent by the mail or other safe conveyance to the Collector of the Port to which the merchandize is destined, and the said manifest shall show in its body what portion of the merchandize is still subject to duty, and the master's oath shall also testify as to what items in the list of the manifest compose such portion; and on the arrival of the vessel at the port where the cargo is to be relanded, the master shall take and subscribe an oath testifying that the portion of the cargo on board, subject to duty, is the same specified in the manifest, and that the quantity and condition of the articles composing it are the same as when shipped on board his vessel, as shown by the manifest, excepting any loss which may have occurred, and which, in such case, shall be specified, and that in the shipment, transportation and landing of the cargo, nothing has been done whereby the revenue of this Republic has been defrauded; after which, without further entry, the goods so reshipped may be delivered, under inspection, on the duties being paid or secured according to law.

Sec. 5. Be it further enacted, That any merchandize reshipped according to the provisions of this act, shall be subject to inspection both at the port of its first entry and at that whereunto it is reshipped: and until it has been delivered at the latter, according to the provisions of this act, the revenue laws shall have the same power over it as in the case of goods entered and landed first from a foreign port: and any vessel on which such merchandize is reshipped shall, from the time it is put on board until the time it is lawfully delivered, be under the same restriction and responsibilities as if the said vessel had on board a cargo bound direct from a foreign port.

Sec. 6. Be it further enacted, That whenever merchandize to be reshipped is relanded, and the duties thereon paid or secured according to law, it shall be the duty of the Collector of the port where it is relanded, to forward by mail, or by the first safe opportunity, to the Collector of the port where the merchandize was reshipped, a certificate stating that the duties have been so paid or secured according to law: on re-

ceiving which, the last mentioned Collector shall cancel the bond given to secure the duties.

Sec. 7. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, to issue instructions to the several Collectors, containing the forms of the affidavits, bonds and certificates to be used conformably with the provisions of this act, as also with regard to the inspection needful to be observed in reshipping the goods, and respecting the proofs to be required in case the goods should be lost or destroyed, as well as all other details for carrying out this act.

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

Approved, February 3d, 1845.

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### AN ACT

Amendatory of an act to provide for the establishment and maintenance of peace and to regulate friendly intercourse with the Indians, approved fourteenth January, eighteen hundred and forty-three.

Whereas, by the eighth section of the above recited act, all persons authorized to carry on trade with the Indians, are required to enter into bond, with good and sufficient security for the faithful performance of their duties under the law, and for the infringement of which they are liable to fine and imprisonment, and whereas the persons authorized to trade, as aforesaid, are required to pay into the Treasury of the Republic, whenever called on so to do, such license tax as may be designated by the President, and whereas, also, the eleventh section of the aforesaid act conflicts with the provisions of the eighth section, so as to interfere materially with the intent of the regular trader, and so as to endanger the peace of the frontier, by enticing within the settlements, individuals or parties of Indians:—therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the eleventh section of the above recited act, be, and the same is hereby repealed.

Sec. 2. Be it further enacted, That it shall be the special duty of each Indian Agent to arrest, prosecute or to authorize some other person to prosecute any person found trading with Indians within the bounds of this Republic, without having a license so to do; and when any Indian Agent has reason to believe that the goods in the possession of any person trading with Indians have been brought into this Republic in contravention of the revenue laws of the same, the Agent shall be authorized to demand proof of the owner or possessor that the duties on such goods have been paid, according to law, and in failure of such proof, said goods shall be liable to confiscation, and the Agent is authorized to seize the same, and report them to the President; but no seizure shall be made under the provisions of this section short of three months after its passage; and provided that this section shall not be so construed as to prevent farmers from selling their own produce to Indians.

Sec. 3. Be it further enacted, That so much of the fourteenth section of the above recited act, approved fourteenth January, eighteen hundred and forty-three, as provides that any person or persons, violating the provisions of said section, shall be liable therefor to indictment in any county of the Republic; is hereby repealed.

Sec. 4. Be it further enacted, That it shall be the duty of Indian Agents, licensed traders, or other Government officers concerned with Indian Affairs, to prevent, as far as practicable, without interfering with the friendly relations of Indians, the same from coming within the limits of the settlements, and all trading houses shall be kept on the frontier, in advance of the settlements; and the President is hereby authorized to cause such additional trading houses to be established as he may deem necessary, and under the same regulations as the law to which this is a supplement directs.

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

Approved, February 3d, 1845.

## AN ACT

To repeal an act entitled "An Act to authorize the President to issue Exchequer Bills, and to declare what shall be received in payment of taxes and duties on imports," approved nineteenth 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 from and after the passage of this act, it shall not be lawful for the Secretary of the Treasury, or any other officer of the Government, to issue or cause to be issued, any bonds, bills, notes, or any description of paper representing money, intended either for circulation, or to be received in payment of any class of revenue: the intention of this section being not merely to prohibit the issue of paper, but also the re-issue of any such paper which has, or may be returned to the Treasury Department.

Sec. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, to cause all the Exchequer bills received at the Treasury Department, to be destroyed according to the provisions of a Joint Resolution prescribing the manner in which liabilities of the Government shall be destroyed, approved twenty-ninth January, one thousand eight hundred and forty-two.

Sec. 3. Be it further enacted, That from and after the receipt of the whole amount of Exchequer Bills, and such other liabilities of the Government, as are at present made receivable by law, now in circulation: that the Direct Taxes, Tonnage and Impost Duties, Fines, Forfeitures, Penalties, and all other debts due the Government, shall be receivable in Gold and Silver only, provided that all land dues, (except the land tax,) and all payments for patents, shall be receivable as heretofore, in the liabilities of the government.

Sec. 4. Be it further enacted, That it shall be the duty of the Secretary of the Treasury, to procure all plates which may have been used for the printing, lithographing and engraving all Exchequer Bills, Promissory Notes and Bonds, which may be in the hands of the Engravers or Banks in the

city of New-Orleans, or elsewhere, and the same when by him obtained, shall be safely kept, subject to a future action of Congress.

Sec. 5. Be it further enacted, That all laws or parts of laws, conflicting with the provisions of this act, be and the same is hereby repealed.

Approved, February 3d, 1845.

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AN ACT

Supplementary to the several Acts relative to Direct Taxation.

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, there shall be levied and collected, a Poll Tax of fifty cents on every white male of this Republic, between twenty-one and fifty years of age.

Sec. 2. Be it further enacted, That each merchant who sells and disposes of goods and merchandize at retail, shall pay an annual license tax of twenty-five dollars.

Sec. 3. Be it further enacted, That any person or persons who shall violate any law or laws requiring the payment of license taxes, shall be deemed guilty of a misdemeanor and on indictment by a grand jury and conviction by a petit jury, shall forfeit and pay such sum of money as shall be double the amount of the license tax which such person or persons so offending, were liable to pay.

Sec. 4. Be it further enacted, That on all neat cattle, there shall be levied and collected, a tax of one cent per head, and a tax of one dollar per head on all cattle, horses and mules, belonging to persons residing without the limits of this Republic; provided, that persons residing without this Republic, who shall have or may become the owners of neat cattle

by heirship, shall be only compelled to pay at the rate of one cent per head.

Sec. 5. Be it further enacted, That the county or commissioners' court of roads and revenue of each county of this Republic, are hereby authorized to levy and collect in their respective counties in each year, a tax for county purposes, which shall not exceed the one half of the tax levied for the use of this Republic, and that the county taxes hereafter levied, shall be payable in gold, silver or exchequer bills only, or such county liabilities of the respective counties as the county or commissioners' court may direct; each county or commissioners' court, shall have the privilege of giving a preference to one species of claims that may hereafter accrue over another; and if the counties are so heavily involved as to render it impossible to pay its current expenditures, and its existing debt, the latter may be postponed at the discretion of the county or commissioners' court. Drafts issued by the Government, receivable for direct taxes, shall not be receivable for county taxes.

Sec. 6. Be it further enacted, That it shall be the duty of the county Treasurer, to present all retailers who refuse to obtain licenses.

Approved, February 3d, 1845.

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## JOINT RESOLUTION

For the relief of Antonio Navarro.

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, to pay over to Mr. Antonio Navarro, out of the amount heretofore appropriated for his relief in prison, such amount as he may deem proper to relieve his present necessities.

Approved, February 3d, 1845.



AN ACT

Supplementary to an act to be entitled an act for the protection of the frontier.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President be, and he is hereby authorized and required, to appoint the officers of the companies and detachments contemplated in the provisions and to carry into effect the act to which this is a supplement, and that the commander of each company shall be the disbursing officer thereof upon his giving bond and security in the sum of five thousand dollars, for a faithful performance of the same, to be approved by the President, any thing in the act to which this is a supplement 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, February 3d, 1845.

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JOINT RESOLUTION

For the relief of G. Elley.

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 required to pay the amount due G. Elley, as private in Captain John C. Hays' company, for the time of his enrollment in said company.

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

Approved, February, 3d, 1845.

## JOINT RESOLUTION

For the relief of Jarret Menefee.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That to carry into effect a "Joint Resolution for the relief of Jarret Menefee, passed January seventh, one thousand eight hundred and forty-two," authorizing the payment to him of the sum of two hundred and ten dollars, the Auditor be, and he is hereby authorized and required, to issue drafts in sums of fifty dollars, and one of ten dollars, which shall be assignable and receivable in payment of direct taxes.

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

Approved, February 3d, 1845.

## JOINT RESOLUTION

For the relief of James Morgan.

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, and is hereby, authorized and required to settle the account of James Morgan, late Naval Commissioner, from the time he entered upon the duties of the appointment, until his arrival with the Navy of the Republic from Yucatan, by issuing drafts, in sums not less than fifty dollars; which drafts shall be receivable for any direct taxes due this Republic.

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

Approved, February 3d, 1845.

AN ACT

To provide for the issuance of Patents to Assignees.

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 be authorized and required to issue patents in the names of the Assignees of all transferable land claims, upon their presenting to him a complete and properly authenticated chain of transfer or obligation for title, from the original grantee.

Sec. 2. Be it further enacted, That hereafter patents may issue in the name of the Assignee, when the certificate was granted in the name of the Assignee, without an exhibition of a chain of transfers as prescribed in the tenth section of an act supplementary to "an act to detect fraudulent land certificates, and to provide for issuing patents to legal claimants, approved February fourth, one thousand eight hundred and forty-one," and all laws contravening this act are hereby repealed.

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

Approved, February 3d, 1845.

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JOINT RESOLUTION

For the relief of certain officers of the Government.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the additional pay, granted to certain officers of the civil list, by an act approved January the sixteenth, eighteen hundred and forty-three, be granted for the year eighteen hundred and forty-five; Provided, That such additional pay be made in specie; and that this act take effect from and after its passage.

Approved, February 3d, 1845.

## AN ACT

Supplementary to an act entitled "an act to incorporate the Texas Trading, Mining and Emigrating Company."

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Edwin Morehouse be, and is hereby, authorized to open the books of subscription for said company, and that the persons who may subscribe, or become the owners of the shares, shall be, and they are hereby constituted a body corporate and politic, and in the name and style of the "North-western Mining Company," with all the powers, rights and privileges of which were granted to the "Texas Trading, Mining and Emigrating Company," by the act incorporating the same, approved January thirtieth, one thousand eight hundred and forty-one. This act to continue in force as long as the act is in force, to which this is a supplement or an amendment, and until it shall be repealed by Congress; Provided, That no further rights or privileges are granted by this act than are granted by the act to which this is a supplement.

Approved, February 3d, 1845.

## AN ACT

For the relief of H. L. Kinney.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the accounting officers of the Treasury be, and they are hereby authorized and required to issue drafts on the Treasurer, in favor of H. L. Kinney, to the amount of two thousand seven hundred and ten dollars, in three several drafts of equal amount, amounting in all to the sum aforesaid, payable on the first days of April, July and October next.

Approved, February 3d, 1845.

AN ACT

To changing the time of holding the Courts in the Sixth Judicial District.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter the District Courts of the county of Montgomery shall be holden on the first Mondays after the fourth Mondays of March and September, and may continue two weeks; and in the county of Harris on the third Mondays after the fourth Mondays of March and September, and may continue until the business is disposed of; and that all proceedings had, and process and court papers which are or may be returned in accordance with the pre-existing laws, appointing the time of holding the courts of said counties, shall be as valid and legal to all intents and purposes, as if they had been made conformably with the provisions of this act.

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

Approved, February 3d, 1845.

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JOINT RESOLUTION

For the relief of Captain John C. Hays.

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 and settle the accounts of Captain John C. Hays, for the amount of four hundred and five dollars fifty-five cents, which amount was disbursed by Captain Hays for the shoeing of horses, and repairing of arms, for the troops under his command during the year one thousand eight hundred and forty four.

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

Approved, February 3d, 1845.

## AN ACT

To incorporate the Matagorda University.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be erected and established in the county of Matagorda, in this Republic, a University for the education of youth.

Sec. 2. Be it further enacted, That the said University shall be under the management, direction and government of the following named Trustees and their successors, viz: Caleb S. Ives, Ira R. Lewis, Seth Ingram, A. C. Horton, M. L. Wiems, John Duncan, R. S. Blount, John Rugely, Thomas Stewart, W. W. Stewart, Matthew Talbot, Robert Williams, Henry Gibson, Abram Sheppard and L. H. Petty, who are hereby constituted a body politic and corporate in deed and in law, by the name and style of the Matagorda University: and by that name they and their successors shall and may have perpetual succession, and be able and capable in law, to have, receive and enjoy to them and their successors, lands, tenements and hereditaments of any kind or value, in fee or for life or years, and personal property of any kind whatsoever, and also sums of money of any amount whatever, which may be granted or bequeathed to them for the purpose of promoting the interest of the institution.

Sec. 3. Be it further enacted, That the Trustees of the Matagorda University, shall and may have a common seal, with such device and inscription as they shall deem proper, and they shall have power to break, alter and renew the same at pleasure.

Sec. 4. Be it further enacted, That by the name, style and title aforesaid, it shall be capable to sue, be sued, plead and be impleaded in any court or courts, before any judge or judges, justice or justices, in all manner of suits, complaints, pleas, causes, matters or demands whatsoever, in as full and effectual a manner as any other person or persons, bodies politic and corporate, within this Republic may or can do.

Sec. 5. Be it further enacted, That said Board of Trustees and faculties, shall be authorized and empowered to make rules, by-laws, and ordinances, suitable to their several departments; and to do every thing necessary for the benefit and good government and support of the affairs of the corporation: Provided, always, that the said by-laws, rules or ordinances, be not repugnant to the Constitution and laws of this Republic or this instrument.

Sec. 6. Be it further enacted, That the President of the University shall be ex-officio President of the Board of Trustees: seven Trustees shall constitute a quorum to do business, and in questions relating to fiscal affairs of the institution, the President shall be precluded from voting.

Sec. 7. Be it further enacted, That they shall appoint stated times for regular annual and semi-annual meetings, Provided, that the President be authorized, in case of emergency, with due notice, to call extraordinary meetings.

Sec. 8. Be it further enacted, That all lands, public buildings and other property, belonging to this University, are hereby declared to be free from any kind of public taxes for five years; and that the funds and property belonging to the University, aside from the buildings, library and apparatus, shall at no time exceed in value the amount of one hundred and fifty thousand dollars.

Sec. 9. Be it further enacted, That the Trustees of said University, when acting in corporate capacity, shall be required to confine themselves solely to the advancement of literature, together with the arts and sciences; studiously avoiding all undue connection with any religious or political denomination.

Sec. 10. Be it further enacted, That every Trustee elected or appointed by the provisions of this act, shall, before entering upon the duties of his office, take and subscribe the following oath, before a Justice of the Peace: "I do solemnly swear (or affirm,) that I will faithfully discharge the duties assigned me as a Trustee, to the best of my skill and ability, without partiality or affection."

Sec. 11. Be it further enacted, That they shall take effectual care, that all students receive fair, generous and impartial treatment, and that means be used to examine and promote the attainments for which the institution is established; and that they shall have power to confer the degrees of Bachelor of Arts, Master of Arts, Doctor of Medicine, and Doctor of Laws; and to do and perform all things appertaining to institutions of this character.

Sec. 12. Be it further enacted, That whenever any law, rule or regulation may be passed or adopted by the Board of Trustees, at a regular or stated meeting of said Board of Trustees, it shall not be lawful for any called meeting of said Board, to repeal or rescind such law, rule or regulation.

Sec. 13. Be it further enacted, That no Professor, Tutor or Steward of the University, shall be eligible to the office of

Trustee of said University; and should any Trustee be chosen a Professor, Tutor or Steward, he shall vacate his office in the Board.

Sec. 14. Be it further enacted, That this charter shall remain in force twenty years, and be subject to renewal by the Congress of this Republic.

Approved, February 3d, 1845.

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## AN ACT

Supplementary to an act entitled an act creating the county of Rusk, "approved 16th January, 1843, and amendatory to an act supplementary to the former, approved 3d of January, 1844.

Whereas, pursuant to an act creating the county of Rusk, approved January 16th, 1843, certain Commissioners were elected in said county to locate the seat of justice therein; and, whereas the election, though not holden on the day provided for in the statute aforesaid, was legalized by a supplementary act, approved January 3d, 1844; and, whereas the said Commissioners have proceeded to locate the seat of justice of said county, and lay off a town site on a tract acquired for that purpose, and to sell lots in the same, therefore,

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all sales which have heretofore been made by said Commissioners, or may hereafter be made by them, or their successors in office, of lots situate within the tract acquired for the purpose aforesaid, shall be legal and valid; as shall, also, be each and every official act needful for effecting and completing the location aforesaid, which they have heretofore done or performed, or which they, or their successors in office may hereafter do or perform, among which acts shall be included contracts for public buildings.



Sec. 2. Be it further enacted, That on the first Monday of the month of March next, the Commissioners aforesaid shall, after giving a notice of ten days by advertisement, hold a meeting at the county seat of Rusk, and proceed to elect a Treasurer, who shall be required to take the usual oath of office, and to give a bond, with two or more approved securities, in the sum of twenty thousand dollars, conditioned for the faithful performance of his duty, and made payable to the Chief Justice of Rusk county; and on the Treasurer's taking the oath, and giving the bond aforesaid, the Commissioners shall hand over to him all funds, notes, bonds and obligations arising from the sale of lots or other property appertaining to the seat of justice, located as aforesaid; and it shall be the duty of the Treasurer, to receive all funds thereafter, paid for such property, as well as to take all notes, bonds or obligations which may thereafter be given for the same, and to have them drawn payable to himself as Treasurer; and it shall, moreover, be his duty to hold such funds and to collect such obligations for the Commissioners, and to disburse the funds so held by him, only in conformity with orders signed by a majority of said Commissioners, and he shall be entitled to a commission of five per cent, on all amounts actually received, and the same on all amounts actually disbursed by him for the Board.

Sec. 3. Be it further enacted, &c., That each of the Commissioners be entitled to a compensation of two dollars for each day that he shall be engaged in the business of his office; Provided, always, that the days for which he is so paid do not exceed two in each month, the compensation to be paid out of the funds of the Board, held by the Treasurer.

Sec. 4. Be it further enacted, &c., That the said Treasurer shall keep, in a well bound book, a clear and full statement of the transactions of his office, and shall, as often as required, by a majority of said Board, report to them: and in the event of the said Treasurer vacating said office, the Board shall forthwith fill said vacancy, as provided in the second section of this act.

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

Approved, February 3d, 1845.

## AN ACT

To authorize the Auditor to settle the accounts of Hugh S. Hope, Sheriff of Harrison County, Jeremiah Hood, Sheriff of Milam County, and M. H. Hardy, of Victoria County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby authorized and required to settle, in full, the accounts of Hugh S. Hope, Sheriff of Harrison county, admitting and allowing all legal demands he may have against the government; any law or laws to the contrary notwithstanding: Provided, said Hope shall pay into the Treasury, on settlement being so made, all monies due the government by him.

Sec. 2. Be it further enacted, That the Auditor is also required to admit the accounts of Jeremiah Hood, Sheriff of Milam county, and those of M. H. Hardy, of Victoria county, for carrying the mail in the years eighteen hundred and forty-one and eighteen hundred and forty-two, on the same conditions.

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

Approved, February 3d, 1845.

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JOINT RESOLUTION

For the relief of Alexander Somervell.

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 required to credit Alexander Somervell with the amount of one hundred and ten dollars and sixty-six cents, being the difference in the value of the coin, as by him received, and allowed for by the Secretary of the Treasury, and that this joint resolution go into effect from and after its passage.

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of Susan Parker and Mrs. J. 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 authorized to audit the balance of pay of the late Hon. G. A. Parker, and that the Secretary of the Treasury be authorized to pay the same to Susan Parker, the widow of said G. A. Parker.

Sec. 2. Be it further resolved, That Wm. G. Cooke be authorized to receive the remainder of pay due the late Hon. John W. Smith.

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

Approved, February 3d, 1845.

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AN ACT

For the benefit of De Kalb College.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the surveys which have been made by order of the District Court, for the benefit of De Kalb College be, and the same are legalized; and the Commissioner of the General Land Office be required to issue patents upon the field notes of such surveys, in the same manner and form as if certificates had been issued for the same by the board of Land Commissioners to the Trustees of said institution.

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

Approved, February 3d, 1845.

## JOINT RESOLUTION

To establish the limits of the Mercer Colony.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That General Charles Fenton Mercer and his associates be, and they are hereby required to have the lines of their colony land actually surveyed and marked by the first day of April next.

Sec. 2. Be it further resolved, That a failure to comply with the provisions of the above section, shall work a forfeiture of their contract.

Sec. 3. Be it further resolved, That no person shall be recognized as provided for in said contracts, who were not specially introduced by the said contractors, so far as the premium lands are concerned: but the citizens so introduced shall be entitled to the same amount of lands as though they had been introduced as provided for in said contract; and that this act take effect from and after its passage.

Approved, February 3d, 1845.

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JOINT RESOLUTION.

For the relief of William Bryan.

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 required to audit the claims of William Bryan, for the sum of one thousand and nine dollars and sixty-one cents, being the balance due him as Navy Commissioner.

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

Approved, February 3d, 1845.

AN ACT

To create a Body Corporate and Politic, by the name of the Galveston Chamber of Commerce.

Whereas, a large number of the merchants of the city of Galveston have petitioned that a charter be granted them creating a Chamber of Commerce, and have set forth that such an institution is much required by the mercantile community as tending to diminish litigation, and to establish uniform and equitable charges, and considering that the establishment of a Chamber of Commerce may tend to the general advantage of the citizens of this Republic, as well as to the furtherance of the commercial interest.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Samuel M. Williams, J. T. Doswell, R. M. Hannay, John H. Illies, George B. Innes, L. M. Hitchcock, Jr., John S. Sydnor, D. H. Klaener, John H. Bennett, M. B. Menard, S. Van Sickles, Thomas Bates, H. A. Cobb, E. Kauffman, Matthew Hopkins, Henry A. Williams, E. Martin, E. O. Lynch, J. A. Doe, Henry Hubbell, Thos. F. McKinney, A. Ball, Charles Power, H. McLeod, merchants of the city of Galveston, their associates and their successors be, and they are hereby declared to be a body corporate and politic, by the name of the Galveston Chamber of Commerce.

Sec. 2. Be it further enacted, That the said Chamber of Commerce shall have all the powers, privileges and immunities properly belonging to such bodies, to enable them to carry into effect the foregoing provisions, with authority to make and adopt all rules, regulations and by-laws for their guidance as they may deem proper.

Sec. 3. Be it further enacted, That this act of incorporation shall be in force, for and during the space of twenty years from the passage thereof, and take effect from and after its passage.

Approved, February 3d, 1845.

## AN ACT

To amend an act organizing the inferior courts and defining the powers and jurisdiction of the same, passed twentieth December, eighteen hundred and thirty-six, and to repeal in part an act organizing justices' courts, &c., passed twentieth December, eighteen hundred and thirty-six.

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 Chief Justices of County Courts, to cause an election to be held in their respective counties biennially, at the time and places of holding elections for members to Congress, for the election, by the qualified electors, of four Commissioners in each county, who shall hold their offices for the term of two years from their election, who, with the Chief Justice, shall constitute the county court, and shall exercise all the powers and perform all the duties now required by law, of the Board of County Commissioners and County Courts: and the first election for Commissioners shall take place on the first Monday of September, eighteen hundred and forty-five: Provided, that not more than two Commissioners shall be selected out of the same Captain's Beat.

Sec. 2. Be it further enacted, That it shall be the duty of judges of elections to make return of the result of the election, at their respective precincts for County Commissioners, in the same manner that returns are required to be made for members of Congress, and the Chief Justice shall compare the same, and issue his certificate to each of the four persons receiving the highest number of votes in his county, and such certificate shall be a sufficient commission for the term for which such person is elected.

Sec. 3. Be it further enacted, That any two Commissioners, together with the Chief Justice, who shall preside over the court, shall constitute a quorum for the transaction of business.

Sec. 4. Be it further enacted, That the County Court shall be held semi-annually, on the first Mondays in January and July, but extra sessions of the court may be held in cases of emergency, by order of the Chief Justice.

Sec. 5. Be it further enacted, That the office of Justice of the Peace shall not render any person ineligible to hold the office of County Commissioner at the same time.

Sec. 6. Be it further enacted, That the Chief Justice, Commissioners, Clerk and Sheriff shall each be entitled to receive as compensation, two dollars per day, for each and every day they shall be necessarily and actually employed in holding the courts for county purposes, to be paid out of the County Treasury, upon the certificate of the clerk, who shall render to the court, annually, on the first Monday in January, an exhibit, setting forth in whose favor and for what particular service, the date and amount of each certificate by him issued, which amount shall be certified by the Chief Justice, recorded on the minutes of the court, and filed in the clerk's office.

Sec. 7. Be it further enacted, That from and after the first Monday of September next, the Board of County Commissioners, composed of the Chief Justice and Justices of the Peace, shall cease to exercise their functions: and that all laws conflicting with the provisions of this act be, and the same are hereby repealed.

Approved, February 3d, 1845.

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## AN ACT

For the relief of Abell Morgan.

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 be required to issue to Abell Morgan, a certificate for one-third of a league of land as his head-right; having emigrated to this Republic in the year one thousand eight hundred and thirty-five, and subsequent to the second day of May of that year.

Sec. 2. Be it further enacted, That the Secretary of War be required to issue to the said Abell Morgan, a land warrant for three hundred and twenty acres, for a tour of services at the siege of Bexar, in the year one thousand eight hundred and thirty-five; also, a land warrant for twelve hundred and eighty acres, bounty land: said Morgan having enlisted under Colonel Fannin, during the war, and also, a donation warrant for six hundred and forty acres of land, for his participation in the battle of Goliad, with Colonel Fannin, and that this act take effect and be in force from and after its passage.

Approved, February 3d, 1845.

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### JOINT RESOLUTION

For the relief of William Lakey.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and is hereby authorized and required to issue to William Lakey, of San Augustine county, a certificate for six hundred and forty acres of land, for services rendered by said Lakey, at the siege of Bexar.

Sec. 2. Be it further resolved, That the Secretary of War and Marine, issue to Roland K. Goodloe, a donation certificate for six hundred and forty acres of land, on account of his having participated in the battle of San Jacinto, in accordance with the laws on this subject.

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

Approved, February 3d, 1845.



AN ACT

To Incorporate the Texas Cotton and Woollen Manufacturing Company.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sidney Sherman and his present and future associate, successors and assigns, be, and they are hereby incorporated and created a body politic and corporate, by the name and style of the "Texas Cotton and Woollen Manufacturing Company," with power to sue and be sued, to plead and be impleaded, answer and be answered unto, approve and prosecute to final judgment in any court in the Republic of Texas; to have a common seal, and the same to break or alter at pleasure.

Sec. 2. Be it further enacted, That the object of said Company shall be, to manufacture cotton, woollen and hemp goods, such as shirtings, sheetings, osnaburgs, jeans, cassinetts, linseys, sattinets, yarns, negro cloths, bagging, bale ropes, &c. &c., by steam power or otherwise, and any and all machinery necessary for carrying on such other manufacturing and mechanical business as they deem advisable.

Sec. 3. Be it further enacted, That the capital stock of said Company, shall be two hundred thousand dollars, with the privilege of increasing the same to five hundred thousand dollars. Said stock shall be divided into shares of five hundred dollars each, the full amount being actually paid in at the time of issuing, or by installments, as the President and Directors may direct.

Sec. 4. Be it further enacted, That said Company under their corporate name, shall have power to hold, purchase, occupy and enjoy to them and their successors, or dispose of any part thereof, all such lands, tenements and hereditaments, and all such goods, chattels and effects of every kind as shall be necessary for the purpose of erecting and carrying on all necessary buildings and works, for the use of said Company, or for the establishment of other factories.

Sec. 5. Be it further enacted, That for the better conducting of the affairs of said Company, there shall be five Direc-

tors, who shall be stockholders of the Corporation, who shall be elected by the stockholders annually; and the Directors shall choose one of their own number as President: Provided, nevertheless, the person or persons named in the first section of this act, shall have and may exercise all the powers given to the President and Directors by this act; and in all elections for Directors, the vote shall be given by ballot, and each stockholder shall have one vote for each share of stock he or she may hold, but no stockholder shall vote at any election, unless the share or shares upon which he or she may claim to vote, is standing in his or her name on the books of said Company at the time of such election. In case of absence from general meetings, any stockholder may be entitled to vote by written proxy. Two of said Directors with the President, or four without the President, shall form a quorum to transact business. Said President and Directors shall hold their offices for the term of one year, and until others are chosen in their stead. They shall choose a Secretary and Treasurer and such other officers as the by-laws of the Company shall prescribe. They shall have power to fill all vacancies which may occur in their board, by death, resignation or otherwise, for the current year.

Sec. 6. Be it further enacted, That the books containing the accounts of said Company, shall be open at all reasonable times for the inspection of the stockholders; and as often as once in each year, a statement of the accounts of said Company, shall be made by order of the directors; and they shall annually or semi-annually, divide between the stockholders thereof, so much of the profits of the business of said Corporation, as in their discretion they shall deem safe and proper. The President and Directors shall elect or appoint in such manner as shall be determined upon, all necessary officers, and fix their compensations and define their duties, to establish by-laws for the government and regulation of their affairs, and the same to alter and repeal; and to employ all such agents, mechanics and other laborers as they may think proper.

Sec. 7. Be it further enacted, That all machinery, and machinery for keeping the same in operation, shall be introduced into the Republic free of duty or any charge whatever by the Government; Provided, that either the President, one

of the Directors, Secretary, Treasurer, or general Agent, make oath before the proper officer at the Custom Houses, that said machinery so imported, is for the use and benefit of said Company; provided, that after two years, the right is hereby reserved to the Legislature to repeal this section whenever it may deem it expedient to do so.

Sec. 8. Be it further enacted, That the stock of said Company shall be considered personal property, and be transferable only on the books of said Company, in such form as the Directors shall prescribe; and said Company shall at all times have a lien upon all the stock or property of the members of said Company invested therein for all debts due from them to said Company.

Sec. 9. Be it further enacted, That a refusal or failure of the Company hereby created, to give in correctly its property for taxation, or a departure from the objects of its creation, or an exercise of any powers or privileges not herein expressly authorized, shall work a forfeiture of this charter.

Sec. 10. Be it further enacted, That the Charter granted by this Act, shall continue in force and effect for the full term of thirty years from and after the passage of this Act.

Approved, February 3d, 1845.

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#### JOINT RESOLUTION

To establish a Hospital at Galveston.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commander of every vessel arriving at the port of Galveston, shall be required to pay to the Collector of that port, the sum of fifty cents for every foreign white male cabin passenger, over sixteen years of age, and the sum of twenty-five cents for every foreign white male steerage passenger over sixteen years of age, according to the list of passengers pro-

duced by said Commander, or his clerk, which list shall be duly signed and sworn to.

Section 2. Be it further resolved, That the Collector of the port of Galveston, shall be required to make monthly returns of such funds as may be raised under the first section of this Act, to the corporate authorities of said port, to be applied by them to the establishment of a Hospital, in such place, time and manner, as they may deem proper.

Sec. 3. Be it further resolved, That this Act take effect and be in force, from and after the first day of May next.

Approved, February 3d, 1845.

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### AN ACT

To provide the times and place of holding the sessions of the Supreme Court of the Republic.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, the annual sessions of the Supreme Court shall be held at the seat of government, or the same place that the regular sessions of Congress may be held, and the said annual sessions of the Supreme Court shall commence to be held on the third Monday of December in each and every year, and the next session of said Supreme Court shall commence to be held on the third Monday of December, A. D., eighteen hundred and forty-five, any law to the contrary notwithstanding; and all parts of laws conflicting with this act be, and the same are hereby repealed.

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

Approved, February 3d, 1845.

JOINT RESOLUTION

For the relief of C. B. Acklin and C. R. Perry.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be required to audit the claims of C. B. Acklin and C. R. Perry for the sum of two hundred and fifty dollars each, and that the Secretary of the Treasury be required to pay the drafts of the same, for which purpose the sum of five hundred dollars is hereby appropriated.

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

Approved, February 3d, 1845.

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JOINT RESOLUTION

For the benefit of the heirs of Daniel R. Jackson.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and is hereby authorized to issue to the administrator of the estate of Daniel R. Jackson, for the benefit of the legal heirs of said estate, a certificate for one-third of a league of land, and the same be entitled to location upon any of the vacant lands of this Republic.

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

Approved, February 3d, 1845.

## AN ACT

To change in part the times of holding the District Courts in the Fifth Judicial District.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, the District Courts for the county of Rusk, shall commence their sessions on the last Mondays of April and October, and may continue in session two weeks; and in the remaining counties in said District, as heretofore provided by law.

Sec. 2. Be it further enacted, That all writs, petitions, or 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 it shall be the duty of the Secretary of State, to have the same published in the Red Lander, a newspaper published in the town of San Augustine, for three successive weeks.

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

Approved, February 3d, 1845.

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JOINT RESOLUTION

Admitting Ice free of duty into all Ports of this Republic.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this resolution, ice shall be imported, free of duty, into all ports of this Republic.

Approved, February 3d, 1845.

AN ACT

To repeal in part and to amend the fourteenth section of an act to raise a public revenue by direct taxation, approved, sixteenth January, A. D., 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 fourteenth section of an act to raise a public revenue by direct taxation, approved the sixteenth January, A. D., one thousand eight hundred and forty, be, and the same is hereby repealed, so far as relates to the one-fourth of one per cent required to be paid by wholesale merchants, and the one-half of one per cent, to be paid by retail merchants.

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

Approved, February 3d, 1845.

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AN ACT

Supplementary to an act entitled "an act establishing the jurisdiction and powers of the District Court, approved, December 22d, 1836."

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, witnesses and jurors shall receive one dollar for every day they may serve, and no more, to be certified and paid as heretofore.

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

Approved, February 3d, 1845.

## AN ACT

To establish a Light-House at Passo Caballo.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be a Light-House established on the west side of Passo Caballo, near the spot on which the flag-staff now stands, within or near the site of Port Calhoun, on Saint Joseph's Island; and the unexpended sum of one thousand dollars, formerly granted by an act entitled an act for the protection of the sea coast, approved, fourteenth January, one thousand eight hundred and forty-three, appropriating one thousand dollars to the defence of the Pass into Matagorda Bay, be now appropriated to the building of said Light-House.

Sec. 2. Be it further enacted, That the additional sum of five hundred dollars be appropriated for the completion of said Light-House, and fitting up the necessary apparatus for lights, upon a plan to be given by the Secretary of the Treasury, who shall empower the collector of customs, at Passo Caballo, to contract for and superintend the erection of the building, and the arrangement of the light or lights; strictly adhering to the instructions of the Secretary of Treasury.

Sec. 3. Be it further enacted, That each vessel entering Matagorda Bay, shall pay to the collector of the Port, the sum of five cents per ton as light money, to be appropriated to the purchase of necessary materials for light, and the payment of a proper person to attend to the same, under the instructions of the Treasury Department.

Sec. 4. Be it further enacted, That if it becomes evident to the collector of the port, that the person appointed to keep the lights shall neglect his duty, he shall have the power to supersede the delinquent by appointing some competent person to perform the necessary duties, until the Secretary of the Treasury shall be advised of the removal and his instructions returned; and that all laws contrary to the intent and meaning of this act, are hereby repealed.

Approved, February 3d, 1845.



AN ACT

Making an appropriation for the payment of a claim of Rawdon, Wright, Hatch and Edson, for engraving.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of eight hundred and seventy-four dollars and forty cents be, and the same is hereby appropriated for the special purpose of paying a claim of Rawdon, Wright, Hatch and Edson, of the city of New Orleans, against the government, for engraving Exchequer Bills, which amount the Secretary of the Treasury is authorized to pay, for the purpose above specified, out of any monies not otherwise appropriated: this act being intended to take effect from and after its passage.

Approved, February 3d, 1845.

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AN ACT

To extend the power of Constables.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That hereafter, all constables be, and are hereby authorized and empowered, to serve any summons, warrant, writ or other process, issued by a Justice of the Peace, within the county in which said constable was elected.

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

Approved, February 3d, 1845.

## AN ACT

To extend the Franking Privilege to certain persons therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That ex-Presidents of the Republic of Texas, Vice President and ex-Vice Presidents be, and they are hereby entitled to the franking privilege; and this act shall take effect from and after its passage.

Approved, February 3d, 1845.

## AN ACT

For the incorporation of the Town of Paris, the County Seat of Lamar County.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the citizens of the town of Paris, the county seat of Lamar county be, and they are hereby declared a body corporate and politic, under the name and style of the Corporation of the Town of Paris.

Sec. 2. Be it further enacted, That the citizens of the corporation of the town of Paris, shall have all the benefits, privileges, and in all respects be governed by the provisions of an act for the incorporation of the town of Marshall, in the county of Harrison, approved, December thirty first, one thousand eight hundred and forty-four.

Sec. 3. Be it further enacted, That the limits of said corporation shall not exceed that of the limits of the corporation of the town of Marshall, in the county of Harrison.

Approved, February 3d, 1845.

AN ACT

Supplementary to an act entitled an act to open and establish a National Road, approved, fifth February, eighteen 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 so much of the fourteenth section of the act to which this is a supplement, which requires all contracts to be completed by the first day of January, one thousand eight hundred and forty-five, be, and the same is hereby repealed, and that the contractors have until the first day of April, eighteen hundred and forty-five, to complete the same.

Sec. 2. Be it further enacted, That Austin B. Manion, be, and is hereby entitled to the same amount of lands as other acting Commissioners, subject to the same provisions as provided in the eighth section of the act to which this is a supplement; and that this act take effect from and after its passage.

Approved, February 3d, 1845.

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JOINT RESOLUTION

Authorizing the County Courts to cause the Field Notes in the County Surveyor's Office to be transcribed in a well bound book.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the county courts of the counties of Houston and Jefferson, and such other counties as shall desire to avail themselves of the benefits of this joint resolution, may employ the county surveyors of their counties to transcribe the field notes of surveys or other records in their respective counties, in a well bound book.

Sec. 2. Be it further resolved, That the county surveyor shall be entitled to ten cents for every hundred words for making such record, together with the value of the book for such record, to be paid out of the county Treasury, upon the certificate of the clerk, after the claim has been audited and allowed by the county court.

Sec. 3. Be it further resolved, That it shall be the duty of the county surveyor, to certify under his official seal, that the said book contains a full and correct record of all the field notes in his office, and that duly authenticated copies from such record shall be received in evidence, in the same manner as though the record had been made as heretofore required by law.

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

Approved, February 3d, 1845.

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## JOINT RESOLUTION

Proposing amendments to the Constitution.

### ARTICLE FIRST.

Section 1. The Supreme Court of the Republic shall consist of a Chief Justice and two Associate Justices, who shall be elected by the Congress, in joint ballot of both Houses, and shall hold their offices for the term of six years.

Sec. 2. When a vacancy shall occur in the office of Chief or Associate Justice of the Supreme Court during the recess of Congress, the President of the Republic shall fill the same by appointment, until the next session of the Congress.

### ARTICLE SECOND.

That the sixth section of the General Provision of the Constitution, is hereby so amended as to give to Congress the power to pass naturalization laws.

JOHN. M. LEWIS,  
Speaker of the House of Representatives.

JOHN A. GREER,  
President of the Senate, pro tem.

JOINT RESOLUTION

For the relief of Edward Teal.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Edward Teal, of San Augustine county be, and is hereby authorized to commence and prosecute, to final judgment, in the District or other Courts of competent jurisdiction, a suit against said Republic, on certificate No. 620, (number six hundred and twenty,) issued to Henry Hoover, for one league and labor of land, and another suit against said Republic, on certificate number six hundred and twenty, one issued to James Faddish, for one league and labor of land, by the Board of Land Commissioners of Shelby county; Provided, however, that said Teal shall be required to establish the genuineness of said certificates agreeably to the provisions of the act entitled an act supplementary to an act to detect fraudulent land certificates, and provide for issuing patents to legal claimants, approved, February fourth, one thousand eight hundred and forty-one; and provided, also, that said suits shall be commenced within six months from the passage of this resolution.

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

Approved, February 3d, 1845.

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AN ACT

To Incorporate the Galveston Guards, City of Galveston.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That James Cronican, Joshua C. Shaw, Thomas J. Spear, J. W.

Benedict, J. K. Beaumont and J. M. Conrad and their associates and successors shall be, and they are hereby constituted a body politic and corporate, under the name and style of the "Galveston Guards," a light infantry corps, 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 exceed fifty-six men, rank and file.

Sec. 2. Be it further enacted, That the said corps shall have power by their constitution and by-laws, to hold courts of enquiry and courts martial upon their own members, to try all violations of their own ordinances agreed upon by a majority of the members of the company, to suspend, expel and fine, not exceeding twenty-five dollars, those violating the constitutional laws of the said company.

Sec. 3. Be it further enacted, That the said corps shall be exempt from militia duty, except battalion and regimental reviews and inspection, on which occasion they shall join the regiment, and be subject to the commander of the regiment.

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

Sec. 5. Be it further enacted, That the officers commanding

said corps shall be one Captain, one first Lieutenant, one second Lieutenant and 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 the 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; Provided, however, that the said corps shall always be in readiness, whenever ordered by the commanding officer of the regiment, to suppress riots, insurrections or any insubordinations to the laws of the city or country, and in consideration of which, the members of the said corps shall be exempt from serving on jury.

Sec. 7. Be it further enacted, That the government is hereby required to supply the said corps with fifty-six muskets and apparatus complete, with knapsacks, cartridge boxes, and munitions of war: the company, in its corporate capacity, shall be responsible for the muskets, equipments 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 twenty years from and after its passage.

Approved, February 3d, 1845.

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## AN ACT

To provide for a revision of the Civil Laws, and for the formation of a Criminal Code.

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 Attorney General to prepare a criminal code, and to revise, digest and arrange, under different heads, the General Laws of the Republic, both civil

and criminal, as required by the seventh section, in the General Provisions of the Constitution; and to submit the same, suggesting such amendments as may be deemed necessary and proper, accompanied by a suitable index, to the next Congress, with his report thereon.

Sec. 2. Be it further enacted, That the Attorney General shall be entitled to an equal salary with that of any of the Heads of Departments, during the year 1845, as compensation for such services: also, that he shall be entitled to the "franking privilege," in like manner as the Secretary of State; and that this act shall take effect from and after its passage.

Approved, February 3d, 1845.

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## AN ACT

### To Charter the Nacogdoches University.

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 in the town of Nacogdoches, in Nacogdoches county, to be denominated the Nacogdoches University.

Sec. 2. Be it further enacted, That the institution shall be under the control of a Board of Trustees, fifteen in number, a majority of whom shall constitute a quorum to do business, which Trustees shall be divided into two classes: the first class consisting of the following named persons, nine in number: W. W. Wingfield, Joseph D. Sharp, James H. Durst, Robert E. Wynne, Ambrose Crain, David Muckleroy, Wm. Hart, Bennett Blake and Charles S. Taylor, and the second class, of the following named persons, six in number: Thomas J. Rusk, James H. Starr, John M. Rector, T. Jeff. Houston, Solomon Wolf and Frost Thorn.

Sec. 3. Be it further enacted, That the said Trustees shall hold their offices as follows, viz: the first named three of the



first class, and the two first named of the second class for the term of two years from the passage of this act; and the next three of the first class, and the next two of the second class for the term of four years; and the last named three of the first class, and the two last named of the second class for the term of six years; and at the expiration of their terms of office, as provided in this section, the vacancies in the first class shall be filled by the Board of Trustees, at a meeting to be held for that purpose; and the vacancies in the second class, by the county court for Nacogdoches county: the Trustees thus appointed, to hold their offices for a period of six years from the date of their appointment: Provided, that any vacancy occurring during the intervals between the regular elections, shall be filled by the remaining members of the class of Trustees in which it occurs; the appointments thus made, to continue only until the period of a regular election, when all such vacancies shall be filled for the remainder of the unexpired terms: Provided, that the Trustees may, in all cases, continue in office until their successors are duly qualified, and a removal of a Trustee from the Republic, or his failure to attend the meetings of the Board of Trustees for one year, shall constitute a vacancy of his office.

Sec. 4. Be it further enacted, That the Trustees be, and they are hereby constituted a body politic and corporate, in deed and in law, by the name of the Trustees of "Nacogdoches University:" and by that name they and their successors shall and may have perpetual succession, and be capable, in law, to have and receive, and to enjoy to them and their successors, lands, tenements and hereditaments, and personal property of any kind whatsoever, and also all sums of money which may be given, granted or bequeathed to them for the purpose of promoting the interests of said institution: Provided, that the amount of property owned, at any one time, shall not exceed one hundred thousand dollars, over and above the building, library and apparatus necessary for the institution.

Sec. 5. Be it further enacted, That the Trustees of said institution 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 and equity in this Republic, and to grant, bargain, sell or assign, any lands, tenements goods or chattels now belonging to said University, or that may hereafter belong to the same; to construct all 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; privilege of electing their own officers; of appointing all necessary committees, and the power 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 can or may do by law.

Sec. 6. Be it further enacted, That whenever the funds and means of the institution in the opinion of the Trustees shall justify it, a medical and law department, or either of them may be appended thereto, with all the usual powers of such institutions.

Sec. 7. Be it further enacted, That the said Board of Trustees shall have power to appoint suitable officers, and to enact ordinances and by-laws for the government of the said institution: Provided, that such ordinances and by-laws are not in violation of the Constitution and laws of the Republic, to employ Professors and Teachers, and fix their salaries, and to prescribe the course of studies to be pursued in said institution in its various departments, it being specially understood that no religious, sectarian tenets or doctrines shall be inculcated in the course of instruction, and that the institution shall be equally open to the education of the children of persons of all classes, without regard to their religious belief.

Sec. 8. Be it further enacted, That the Trustees shall have a stated annual meeting at the time of conferring degrees, and the presiding officer of the Board of Trustees may call an occasional meeting of the Board, whenever it shall appear to him necessary.

Sec. 9. Be it further enacted, That the head of this institution shall be styled the "President; the male instructors thereof "Professors," and the head of the female department, the Principal of said department; and the President and Professors, or a majority of them, the faculty of "Nacogdo-

ches University," which faculty shall have the power of enforcing the ordinances and by-laws adopted by the Board of Trustees for the government of the students, but it shall only be in the power of a quorum of the Trustees, at their stated meetings, to expel any student or students of the said University.

Sec. 10. Be it further enacted, That the Trustees shall have full power, by the President or Professors of said University, to grant or confer such degree or degrees in the arts or sciences, to any of the students of the said University or persons by them thought worthy as are usually granted or conferred in other Colleges, to give diplomas or certificates thereof, signed by them and sealed with the common seal of the Trustees of the said University, to authenticate and perpetuate the memory of such graduation.

Section 11. Be it further enacted, That whenever a vacancy shall occur in the Presidency or any of the Professorships of the University, the Board of Trustees shall have the power to fill such vacancy.

Sec. 12. Be it further enacted, That the Board of Trustees shall have the power of removing any officer, professor or teacher of the institution, for what the said board may deem good cause, a majority of the whole number of Trustees always concurring in such removal.

Sec. 13. Be it further enacted, That the lands, public buildings and other property belonging to said University, are hereby declared to be free from any kind of public tax for five years.

Sec. 14. Be it further enacted, That no misnomer of the said University shall defeat or annul any gift, grant, devise or bequest to the same; provided, the intention of the donor be clear and apparent.

Sec. 15. Be it further enacted, That the Professors of said University shall not be eligible to act as Trustee or Trustees for the same, and in case any or either of the Trustees may hereafter be employed to discharge any of the duties in and about said University, he or they shall resign the station of Trustee or Trustees, before entering upon the duties assigned him or them.

Sec. 16. 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. 17. Be it further enacted, That this act shall continue in force twenty years, subject to renewal by Congress; and no alteration shall be made therein, except on petition of the whole number of Trustees.

Sec. 18. Be it further enacted, That this act shall be deemed a public one, and judicially taken notice of without special pleadings.

Sec. 19. Be it further enacted, That the four leagues of land granted to Ayuntamiento, or corporation of Nacogdoches, by the government of Coahuila and Texas, on the second day of May, A. D. one thousand eight hundred and thirty-three, be, and the same are hereby recognized by this government, and transferred and passed over to the Nacogdoches University, with the consent of the corporation of Nacogdoches; and the Commissioner of the General Land Office is hereby authorized and required to issue, in the name of the Trustees of the Nacogdoches University, certificates for the same, which may be surveyed in tracts of not less than one-fourth of a league, and patents shall issue on such surveys as in other cases.

Sec. 20. Be it further enacted, That nothing in this bill shall be so construed as to allow banking or any other privileges not contemplated in this charter.

Approved, February 3d, 1845.

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## JOINT RESOLUTION

For the relief of E. McLean.

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, and he is hereby authorized and required to pay to Ephraim McLean, the sum of eighty-

seven dollars and sixty-two cents, in full payment for supplies purchased for his command, in April, one thousand eight hundred and forty-two; and that the same be paid out of any money in the Treasury not otherwise appropriated.

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

Approved, February 3d, 1845.

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### JOINT RESOLUTION

For the relief of George W., Charles and A. H. Sevier.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the cases now pending in Washington county, between the Republic of Texas and G. W. and Charles Sevier, for their headright claims be, and the same may be transferred, by the District Court, to the county of Robertson for hearing and trial.

Sec. 2. Be it further resolved, That A. H. Sevier is hereby authorized to prove up his headright claim in the District Court of Robertson county, in the aforesaid Republic.

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

Approved, February 3d, 1845.

REPUBLIC OF TEXAS,        }  
Department of State.    }

I, the undersigned, Attorney General and Acting Secretary of State of the Republic of Texas, do hereby certify that the regular session of the ninth Congress of said Republic, adjourned on the third day of February, A. D. one thousand eight hundred and forty-five.

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

EBEN'R ALLEN.

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BY THE PRESIDENT OF THE REPUBLIC OF TEXAS.

## PROCLAMATION.

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

Whereas, a Treaty of Peace, Friendship and Commerce, between the Republic of Texas, and the Comanche, Keechie, Waco, Caddo, Ana-da-kah, Ionie, Delaware, Shawnee, Cherokee, Lipan, and Tah-wah-karro tribes of Indians, was concluded and signed at Tah-wah-karro Creek, on the ninth day of October, in the year of our Lord one thousand eight hundred and forty-four,—by Thomas I. Smith, J. C. Neill, and E. Morehouse, Commissioners on the part of the Republic of Texas, and certain Chiefs, Head men and Warriors, of the tribes of Indians aforesaid, on the part of said tribes,—which Treaty is in the following words, to wit:—

### TREATY OF PEACE, FRIENDSHIP AND COMMERCE,

Between the Republic of Texas, and the Comanche, Keechie, Waco, Caddo, Ana-dah-kah, Ionie, Delaware, Shawnee, Cherokee, Lipan and Tah-wah-karro tribes of Indians, concluded and signed at Tah-wah-karro Creek, on the 9th day of October, in the year one thousand eight hundred and forty-four.

Whereas, in time past, hostilities have existed and war been

carried on between the white and red men of Texas, to the great injury of both; and whereas, a longer continuance of the same would lead to no beneficial result, but increase the evils which have so long unhappily rested upon the two races; and, whereas, both parties are now willing to open the path of lasting peace, friendship and trade, and are desirous to establish certain solemn rules, for the regulation of their mutual intercourse:

Therefore, the Commissioners of the Republic of Texas, and the Chiefs and Head men of the before mentioned tribes of Indians, being met in council at Tah-wah-karro Creek, on the 9th day of October, in the year 1844, have concluded, accepted, agreed to, and signed the following articles of Treaty:

Article 1. Both parties agree and declare, that they will forever live in peace, and always meet as friends and brothers. The Tomahawk shall be buried, and no more blood appear in the path between them, now made white. The Great Spirit will look with delight upon their friendship, and will frown in anger upon their enmity.

Art. 2. They further agree and declare, that the Government of Texas shall permit no bad men to cross the line into the hunting grounds of the Indians; and that if the Indians should find any such among them, they will bring him or them to some one of the agents, but not do any harm to his or their person or property.

Art. 3. They further agree and declare, that the Indians will make no treaty with any nation at war with the people of Texas; and also, that they will bring in and give up to some one of the agents of the Government of Texas, any and all persons who may go among them for the purpose of making or talking of war.

Art. 4. They further agree and declare, that if the Indians know of any tribe who may be going to make war upon the people of Texas, or steal their property, they will notify the whites of the fact through some one of the agents, and prevent such tribe or tribes from carrying out their intentions.

Art. 5. They further agree and declare, that the Indians shall no more steal horses or other property from the whites; and if any property should be stolen, or other mischief done

by the bad men among any of the tribes, that they will punish those who do so, and restore the property taken, to some one of the agents.

Art. 6. They further agree and declare, that the Indians will not trade with any other people than the people of Texas, so long as they can get such goods as they need at the trading-houses.

Art. 7. They further agree and declare, that the Government of Texas shall establish trading-houses for the convenience and benefit of the Indians, and such articles shall be kept for the Indian trade as they may need for their support and comfort.

Art. 8. They further agree and declare, that when peace is fully established between the white and the red people, and no more war or trouble exists, the Indians shall be supplied with powder, lead, guns, spears and other arms, to enable them to kill game and live in plenty.

Art. 9. They further agree and declare, that they will not permit traders to go among them, unless they are sent by the Government of Texas, or its officers.

Art. 10. They further agree and declare, that the Indians will not sell any property to the whites, except such as are authorized to trade with them by the Government of Texas.

Art. 11. They further agree and declare, that the President shall appoint good men to trade with the Indians at the trading-houses, so that they may not be cheated; and, also, that he shall appoint good men as agents, who will speak truth to the Indians, and bear their talks to him.

Art. 12. They further agree and declare, that if the trading-houses should be established below the line, to be run and marked, the Indians shall be permitted to cross the line, for the purpose of coming to trade.

Art. 13. They further agree and declare, that no whiskey or other intoxicating liquor, shall be sold to the Indians, or furnished to them upon any pretext, either within their own limits, or in any other place whatsoever.

Art. 14. They further agree and declare, that the Government of Texas shall make such presents to the Indians, as the President, from time to time, shall deem proper.

Art. 15. They further agree and declare, that the President may send among the Indians, such blacksmith and

other mechanics, as he may think best for their benefit; and, also, that he may send schoolmasters and families for the purpose of instructing them in a knowledge of the English language and Christian religion, as well as other persons to teach them how to cultivate the soil and raise corn.

Art. 16. They further agree and declare, that if the President should at any time send men among them to work mines, or agents to travel with them over their hunting-grounds, the Indians will treat them with friendship and aid them as brothers.

Art. 17. They further agree and declare, that, hereafter, if the Indians go to war, they will not kill women and children, or take them prisoners, or injure them in any way; and that they will only fight against warriors who have arms in their hands.

Art. 18. They further agree and declare, that they never will, in peace or war, harm any man that carries a white flag, but receive him as a friend, and let him return again to his people in peace.

Art. 19. They further agree and declare, that they will mutually surrender and deliver up all the prisoners which they have of the other party for their own prisoners; and that they will not be friendly with any people or nation, or enter into treaty with them, who will take prisoners from Texas, or do its citizens any injury.

Art. 20. They further agree and declare, that if ever hereafter, trouble should grow up between the whites and the Indians, they will immediately come with a white flag to some one of the agents, and explain to him the facts; and he will send a messenger to the President, who will remove all trouble out of the path between the white and the red brothers.

Art. 21. They further agree and declare, that there shall be a general council held once a year, where chiefs from both the whites and the Indians, shall attend. At the council, presents will be made to the chiefs.

Art. 22. They further agree and declare, that the President may make such arrangements and regulations with the several tribes of Indians, as he may think best for their peace and happiness.

The foregoing articles having been read, interpreted, and

fully understood by the parties, they agree to and confirm the same, by sealing and signing their several names.

THOMAS I. SMITH, [SEAL]

J. C. NEILL, [SEAL]

E. MOREHOUSE, [SEAL]

Commissioners on the part of Texas.

In presence of—

BENJAMIN SLOAT,

GEO. W. ADAMS,

ELI SMITH,

R. H. PORTER,

STEPHEN T. SLATER,

RO. WILSON,

JOHN F. TORREY,

J. E. SMITH.

WALTER WINN,

Secretary to Commissioners.

|              |                      |                    |            |
|--------------|----------------------|--------------------|------------|
| Comanches.   | { Po-cha-na-qua-hip, | his † mark [L. s.] | War Chief. |
|              | { Mome-pa-cha-co-pe, | his † mark [L. s.] | Chief.     |
|              | { Chom-o-pard-u-a,   | his † mark [L. s.] | "          |
| Keechies.    | { Ano-hetch-tow-ee,  |                    |            |
|              | { or White Plume,    | his † mark [L. s.] | War Chief. |
|              | { Te-car-ke-qua-che, | his † mark [L. s.] | Chief.     |
| Wacoos.      | { A-cah-quash,       | his † mark [L. s.] | "          |
|              | { Nah-ash-tow-ee,    | his † mark [L. s.] | "          |
|              | { or Lane Arm.       |                    |            |
| Caddoes.     | { Chars-tus-cow-ow,  | his † mark [L. s.] | "          |
|              | { Binchah,           | his † mark [L. s.] | "          |
|              | { Red Bear,          | his † mark [L. s.] | Speaker.   |
| Anadahkah, - | Jose Maria,          | his † mark [L. s.] | Chief.     |
| Ionie, - - - | Bead Eye,            | his † mark [L. s.] | "          |
| Delawares,   | { San Luis,          | his † mark [L. s.] | "          |
|              | { Roasting Ear,      | his † mark [L. s.] | "          |
| Shawnee, - - | { Black Cat,         | his † mark [L. s.] | "          |
|              | { Na-ka-wa,          | his † mark [L. s.] | Captain.   |
| Ta-wah-karro | { Cas-tilla,         | his † mark [L. s.] | "          |
|              | { Te-ya-kar-ra,      | his † mark [L. s.] | "          |
|              | { Codeh,             | his † mark [L. s.] | "          |
| Caddoes.     | { Tah-win,           | his † mark [L. s.] | "          |
|              | { Ish-sha-ho-mo,     | his † mark [L. s.] | "          |
|              | { Cha-wah,           | his † mark [L. s.] | "          |
|              | { Decatur,           | his † mark [L. s.] | "          |

|               |                  |                     |            |
|---------------|------------------|---------------------|------------|
| Cherokee. - - | Ouks-tah-ha-la,  | his † mark [L. s.]  | Chief.     |
| Lipans,       | { Ramon Castro,  | his † mark [L. s.]  | "          |
|               | { Capitan Chico, | his † mark [L. s.]  | "          |
|               |                  | { Daniel G. Watson, |            |
|               |                  | L. H. Williams,     |            |
|               | Interpreters. {  | Jesse Chisholm,     | his † mark |
|               |                  | Luis Sanchez,       | his † mark |
|               |                  | James Shaw,         | his † mark |
|               |                  | Vincenti,           | his † mark |
|               |                  | John Conner,        | his † mark |

Now, therefore, be it known, that I, ANSON JONES, President of the Republic of Texas, having seen and considered said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their resolution of the twenty-fourth of January, one thousand eight hundred and forty-five, accept, ratify, and confirm the same, and every clause and article thereof.

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the Republic to be affixed. Done at Washington, this fifth day of  
 [L. s.] February, in the year of our Lord one thousand eight hundred and forty-five, and of the Independence of the Republic the ninth.

ANSON JONES.

By the President:

ASHBEL SMITH, Secretary of State.