

L A W S

PASSED AT THE

EXTRA SESSION OF THE NINTH CONGRESS

OF THE

REPUBLIC OF TEXAS

PUBLISHED BY AUTHORITY.

WASHINGTON.

1845

LAWS

OF THE

REPUBLIC OF TEXAS.

JOINT RESOLUTION

Tendering to General Andrew Jackson, the tribute of a nation's gratitude.

Whereas, by the many valuable and important services rendered throughout a long and useful life, by Major General Andrew Jackson, to the cause of civil and religious liberty, he justly enjoys and is entitled to the love and admiration of all his species,
—Therefore,

Resolved, by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in the name and in behalf of the people of the Republic of Texas, we hereby tender to General ANDREW JACKSON, the unfeigned gratitude of a nation.

Be it further resolved, That the President of the Republic of Texas is hereby requested to transmit to General Jackson, to his Excellency the President of the United States, and to the Governors of each of the States and Territories of the American Union, a copy of this joint resolution.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 21, 1845.

ANSON JONES.

JOINT RESOLUTION

Giving the consent of the existing Government to the annexation of Texas to the United States.

Whereas, the Government of the United States hath proposed the following terms, guarantees, and conditions, on which the People and Territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, and admitted as one of the States of the American Union, to wit:

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, Congress doth consent that the Territory properly included within and rightfully belonging to the Republic of Texas may be erected into a new State, to be called the State of Texas, with a Republican form of Government, to be adopted by the people of said Republic, by deputies in Convention assembled, with the consent of the existing Government, in order that the same may be admitted as one of the States of this Union.

“2. And be it further resolved, That, the foregoing consent of Congress is given upon the following conditions, and with the following guarantees, to wit:

“First. Said State to be formed subject to the adjustment by this Government of all questions of boundary that may arise with other Governments, and the Constitution thereof, with the proper evidence of its adoption, by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action, on or before the first day of January, one thousand eight hundred and forty-six.

“Second. Said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy-yards, docks, magazines, arms, armaments and all other property and means pertaining to the public defence, belonging to the said Republic of Texas; shall retain all the public funds, debts, taxes, and dues of every kind which may belong to or be due and owing said Republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment

of the debts and liabilities of said Republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States.

Third. New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

And whereas, by said terms, the consent of the existing government of Texas is required—Therefore,

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, the Government of Texas doth consent, that the People and Territory of the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a Republican form of Government, to be adopted by the people of said Republic, by Deputies in Convention assembled, in order that the same may be admitted as one of the States of the American Union, and said consent is given on the terms, guarantees and conditions set forth in the Preamble to this Joint Resolution.

Sec. 2. Be it further resolved, That, the Proclamation of the President of the Republic of Texas, bearing date May fifth, eighteen hundred and forty-five, and the election of Deputies to set in Convention, at Austin, on the fourth day of July next for the adoption of a Constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing Government of Texas.

Sec. 3. Be it further resolved, That, the President of Texas is hereby requested immediately to furnish the Government of the United States, through their accredited Minister near this Government, with a copy of this Joint Resolution;

also to furnish the Convention to assemble at Austin, on the fourth of July next, a copy of the same—And the same shall take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 23, 1845.

ANSON JONES.

AN ACT

Making appropriations to defray the expenses of the Convention and granting the members thereof the franking privilege.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the members of the Convention, elected on the basis recommended by the President for the purpose of framing a Constitution, preparatory to the admission of Texas into the American Union, be, and they are hereby entitled to the same pay and mileage as members of Congress are now entitled to, by law; and such officers as the Convention may deem necessary to elect shall be entitled to the same pay as similar officers of the House of Representatives.

Sec. 2. Be it further enacted, That the members of said Convention shall be entitled to the franking privilege, and all other privileges secured by the Constitution or laws to members of Congress.

Sec. 3. Be it further enacted, That a sufficient amount of money is hereby appropriated to pay the expenses above contemplated and such necessary contingent expenditures as may be voted by said Convention; which amounts shall be paid by the Treasurer, on the joint warrant of the President and Secretary of said Convention.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 23d, 1845.

ANSON JONES.

JOINT RESOLUTION

Acknowledging the claims of L. S. Hargous and others.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That, the claims of L. S. Hargous of Vera Cruz, for the sum of nine thousand six hundred and forty dollars, and of G. B. Lamar of Savannah, for one thousand and forty dollars, for advances made to the Texian Santa Fe prisoners, be, and the same are hereby acknowledged to be justly due to them or their legal representatives; and that the amounts, respectively due each of them, ought to be paid as early as may be practicable and convenient.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 24, 1845.

ANSON JONES.

JOINT RESOLUTION

For the relief of T. Jefferson Chambers.

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 issue drafts, receivable in direct taxes, in favor of T. Jefferson Chambers or order, for four hundred and forty-four dollars and twenty-five cents, to be divided in convenient sums not less than fifty dollars; and that this Joint Resolution go into effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 24, 1845.

ANSON JONES.

AN ACT

To establish certain Mail Routes therein named 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 a Mail Route be, and hereby is established, from Bexar in the county of Bexar, to the town of Laredo, on the East bank of the Rio Grande; and from Corpus Christi, in the county of San Patricio, to Point Isabel, near the mouth of the Rio Grande.

Sec. 2. Be it further enacted, That all of that part of the Republic lying between the Nueces and the Rio Grande rivers, from the Gulf to the Northerly line of the Republic, not now embraced within the defined limits of any county, be, and is hereby added to the county of San Patricio; and that this act take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 24th, 1845.

ANSON JONES.

AN ACT

Requiring the Commissioner of the General Land Office to issue Patents in certain cases.

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 patents to all

persons otherwise legally entitled to the same, notwithstanding the lands for which said patents are or may hereafter be demanded may be within the limits designated in the colonization contract made on the twenty-ninth day of January, one thousand eight hundred and forty-four, between Sam Houston, then President of the Republic of Texas, acting in behalf of the Republic, and Charles Fenton Mercer and his associates: Provided, the locations or surveys in pursuance of which said patents are or may be demanded, were filed in the office of County Surveyor in which said lands may be, or made by his direction, previous to notice to said Surveyor of the existence and territorial limits of said contract of colonization: Provided further, that nothing herein contained shall be so construed as to declare that any certificate located within any colony limits, is not as valid as if located upon any of the vacant domain of the Republic.

Sec. 2. Be it further enacted, That the official certificate or certificates of said surveyor or surveyors, shall be sufficient evidence to the Commissioner of the General Land Office of the receipt of said information or notice by said surveyor or surveyors in the first section of this act mentioned.

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

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 25, 1845.

ANSON JONES.

AN ACT

Allowing the Commissioner of the General Land Office two additional Clerks.

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 of this Republic be authorized to employ two additional Clerks, until

the fifteenth day of January next, and that a sum sufficient to pay the salaries of the same be and the same is hereby appropriated; and that this act take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 25th, 1845.

ANSON JONES.

AN ACT

Making an appropriation to defray the expenses of the extra session 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 Three Thousand Five Hundred Dollars be, and the same is hereby appropriated for the pay and mileage of the Members, pay of the officers of both Houses, and contingent expenses of both Houses of Congress.

Sec. 2. Be it further enacted, That the unexpended balance of the above appropriation, after paying the expenses therein contemplated, shall be returned into the Treasury of the Republic; and this act shall take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 25th, 1845.

ANSON JONES.

AN ACT

Authorizing the county commissioners of Galveston county to license a ferry from Galveston to Point Bolivar.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the county commissioners of Galveston county, be, and they are hereby authorized and empowered, to license a ferry from Galveston city to Point Bolivar, for a term not exceeding five years, subject to the renewal or repeal by Congress.

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

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 25, 1845.

ANSON JONES.

JOINT RESOLUTION

Relative to the introduction of United States troops into Texas and for other purposes.

Whereas, the Government of the United States having passed Resolutions by which Texas may be annexed and incorporated into the American Union; And, whereas, the people of Texas have in their primary capacity, with a unanimity unexampled in the history of the world, expressed their desire and willingness to accept said terms, and have elected delegates to meet in Convention for the purpose of forming a republican State Constitution in accordance with that of the

United States; And, whereas, there are many tribes of Indians, belonging to the United States of America, located within and adjacent to the territory of Texas; Therefore, for the security and tranquility of our frontier,

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the Executive of this Republic to invite the Executive of the United States, through their representative near this government, to occupy without delay the frontier of this Republic with such troops as may be necessary for its defence.

Sec. 2. Be it further resolved, That the President be, and he is hereby, authorized and required to call into service the militia, or a sufficient volunteer force of Texas, or so much thereof as he may deem expedient, (in addition to the forces already in service) in case it may be necessary to repel any Mexican troops that may invade, or that may hereafter attempt to invade the territory of the Republic, as defined by our statute.

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

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26th, 1845.

ANSON JONES.

AN ACT

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

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the annual sessions of the Congress of this Republic shall, hereafter, commence on the second Monday in May, any law now in existence to the contrary notwithstanding.

Sec. 2. Be it further enacted, That such of the appropriations of the regular session of the ninth Congress, except appropriations for foreign legations, as the President may deem necessary, and cannot be dispensed with, are hereby extended, pro rata, to the second Monday in May, A. D., eighteen hundred and forty-six, or until the incorporation of Texas as a State of the United States; and this act shall take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26, 1845.

ANSON JONES.

JOINT RESOLUTION

Granting further time for the payment of Government dues and the return of field notes.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of a Joint Resolution, approved November twenty-seventh eighteen hundred and forty one granting further time for the payment of Government dues and the return of field notes, be and the same is hereby extended and declared in force until the first day of January A. D. eighteen hundred and forty eight; and this Joint Resolution take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26, 1845.

ANSON JONES.

JOINT RESOLUTION.

Suspending the operation of An Act entitled, "An Act authorizing any holder of Promissory notes, bonds, funded debt, or any other liquidated claims against the Government, to surrender the same and receive in lieu thereof Land Scrip."

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of the above recited act passed and approved on the fifth day of February A. D. eighteen hundred and forty-one, be, and the same are hereby declared to be suspended until the further action of Congress; and that this Joint Resolution take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 26, 1845.

ANSON JONES.

JOINT RESOLUTION

Making an appropriation for the redemption of John Parker, a prisoner amongst the Indians.

Whereas, information has reached this place that a certain white boy by the name of John Parker, is now a prisoner in the hands of the Keechi tribe of Indians; and whereas, humanity requires that he should be restored to the bosom of his friends;

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer of the Republic be, and he is hereby, required to pay to the Hon. Isaac Parker, the sum of three hundred dollars, to be by him applied to the redemption of the said above named boy; and that the said sum be drawn from the appropriation for Indian purposes, made by the general appropria-

tion act, passed the first day of February eighteen hundred and forty-five.

Sec. 2. Be it further resolved, That the said Isaac Parker shall be responsible to the Government for said sum, Provided, it should not be applied as intended by this joint resolution; and that this joint resolution take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

AN ACT

Supplementary to an act making an appropriation for the pay of members of the Convention, and granting them the franking privilege.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the act to which this is a supplement, and this act, shall take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 27, 1845.

ANSON JONES.

JOINT RESOLUTION

To establish a Mail Route between Galveston and New Orleans.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of State be, and he is hereby, authorized to contract with any Texian vessel, plying between the above named ports, for carrying the public mail; Provided, the compensation for said contract shall not exceed one half the amount of tonnage duties on said vessel; and that this joint resolution take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

AN ACT

Supplementary to an act, entitled, "An act to restore lands sold for taxes to the former owners," approved January eighteenth, 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 provisions of the above recited Act are hereby extended to all those whose lands have been sold for taxes between the year one thousand eight hundred and forty-four and the date of this act.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27, 1845.

ANSON JONES.

AN ACT

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

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all persons captured and detained by the Mexicans, as prisoners of war, in the years of our Lord one thousand eight hundred and forty-one and two, their heirs and legal representatives, shall have until the first day of January, in the year one thousand eight hundred and forty-seven to commence the suits contemplated by the first section of the act to which this is a supplement, any law or laws contrary thereto notwithstanding.

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

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 27, 1845.

ANSON JONES.

JOINT RESOLUTION

For the relief of David F. Webb.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of a joint resolution for the relief of Francis Hughes, John C. Baker, Henry Wicks, G. B. Pilant, G. W. Triagehen and Henry W. Augustine, who were permanently disabled in the service of the country, approved, February 1st one thousand eight hundred and forty-five, be, and the same are hereby extended to David F. Webb, of San Augustine county.

Sec. 2. Be it further resolved, That the act to which this is supplementary, be so amended, as to read John R. Baker, instead of John C. Baker, and G. W. Trahern, instead of G. W. Treighen; and that this joint resolution take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

AN ACT

Additional to "an act to regulate the proceedings in civil suits," approved fifth of February, eighteen hundred and forty.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in all suits hereafter to be brought to recover the price or value of any goods, wares or merchandize hereafter imported, or notes given for the same, the fact that such goods, wares or merchandize were imported or introduced into the Republic without payment of the lawful duties, or in violation of any revenue law thereof, may be pleaded in defence, and if established, shall constitute a legal and valid defence in all such suits.

Sec. 2. Be it further enacted, That in cases where such defence shall be pleaded and interrogatories propounded, and also in cases when any civil action shall, hereafter, be brought to recover duties not paid, the party so charged or impleaded shall not be liable to any criminal prosecution for the same offence or non-payment; and that this act shall take effect from and after its passage.

JOHN M. LEWIS,
Speaker of the House of Representatives.
K. L. ANDERSON,
President of the Senate.

Approved, June 27th, 1845.

ANSON JONES.

JOINT RESOLUTION

For the relief of certain disabled seamen, landsmen, and marines.

Section 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a sufficient sum of money be, and the same is hereby appropriated, to enable the following disabled seamen, marines and landsmen, wounded in the actions of April thirtieth and sixteenth of May eighteen hundred and forty-three, off the coast of Yucatan, or such of them as may be yet living, to receive the one half of what would be the full pay of each of the hereinafter named individuals, according to his respective station at the time of being so wounded, as provided for, in two acts, passed February second and fifth, eighteen hundred and forty-four, viz:—Dick Streachout, Thomas Atkins, John Norris, Thomas Barnet, George Davis, James Brown and Terance Rogan.

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

JOHN M. LEWIS,

Speaker of the House of Representatives.

K. L. ANDERSON,

President of the Senate.

Approved, June 28, 1845.

ANSON JONES.

AN ACT

To alter the time 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 time of holding the District Court in the seventh Judicial District, shall be as follows, to wit:—For the county of Fannin, on the first Monday's of March and September, and may continue in session two weeks. In the county of Lamar, on the third Monday's of March and September, and may continue in session two weeks. In the county of Red River, on

the first Monday's after the fourth Monday's in March and September, and may continue in session two weeks. In the county of Bowie, on the third Monday's after the fourth Monday's of March and September, and may continue in session two weeks; and in the county of Harrison, the fifth Monday's after the fourth Monday's of March and September, and may continue in session until the business shall be disposed of.

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 take effect from and after its passage.

JOHN M. LEWIS,

Speaker of the House of Representatives.

JOHN A GREER,

President of the Senate, pro tem.

Approved, June 28, 1845.

ANSON JONES.

JOINT RESOLUTION

Authorising the further issuance of Exchequer Bills.

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 to re-issue an amount not exceeding ten thousand dollars of the Exchequer Bills now in the Treasury, or which may hereafter be received therein, for the purpose of defraying the appropriations made by this Congress.

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

JOHN M. LEWIS,

Speaker of the House of Representatives.

JOHN A GREER,

President of the Senate, pro tem.

Approved, June 28th, 1845.

ANSON JONES.

AN ACT

To prescribe the mode of authenticating foreign judgments and to limit suits thereon.

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in all actions on foreign judgments the only mode of authentication valid in the courts of this Republic shall be as follows:—

1st. All judgments rendered in any state court of any one of the United States of North America, shall be certified by the Clerk of the Court under seal in which the judgment was rendered, a true and correct copy of the record, with the certificate of the presiding Judge, that the person purporting to be Clerk is such Clerk, and authorized to give copies, and with the further certificate of the Governor of the State, of the official character of the Judge and Clerk, with the seal of State, and the further certificate of the President of the United States, under the great seal, of the official character of the Governor, to all which certificates there shall in addition be the certificate of a Consul of this Republic as to the official character of the President. 2d, All judgments in any court under the Government of the United States, and established by the Constitution and Laws of the same, shall have attached thereto the certificates of the Clerk and Judge of the Court, and the President of the United States, also that of a Texian Consul, all under seal. 3d, All judgments of any other foreign tribunal other than those above named shall be under the certificates of the Judge and Clerk of the Court the Chief Executive Government of the country, and a Consul of the Republic.

Sec. 2. Be it further enacted, That no suit shall be allowed to be brought or be received by the Clerk, until a copy of the foreign judgment authenticated as aforesaid, shall be filed with the petition, and all costs likely to accrue together with a tax fee of twenty-five dollars cash, for the use of this Republic, be paid to the Clerk of the Court, and any suit brought without a strict compliance with the provisions of this section, shall be held as if never brought, and without the pale of amendment or correction.

Sec. 3. Be it further enacted, That foreign judgments authenticated as aforesaid, shall be regarded as prima facie evidence only, and open to all defences that might have been used at any time before judgment.

Sec. 4. Be it further enacted, That all foreign judgments, decrees and adjudications upon which suit shall be brought in the Courts of this Republic, should the same be of four years standing and upwards, shall be forever barred and prescribed, unless sued on in sixty days from and after the passage of this act. Those under four and over two years, unless sued on in six months; and those under two years, unless sued on in one year. Provided, the original cause of action shall remain unimpaired, and may be sued on at the election of the creditor subject to prescription.

Sec. 5. Be it further enacted, That in all suits or judgments by foreign banking or money corporations, not only shall the costs be first paid as prescribed above, but the act, or copy of the act, of incorporation shall be authenticated as provided for in the first section of this act, according to the divisions of said first section. And in addition thereto the corporation if plaintiff, or its assignee, shall prove that a strict and literal compliance was had with the charter in putting the corporation into operation, and the provisions of this section shall apply as well to suits already pending as those hereafter to be brought.

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

JOHN M. LEWIS,

Speaker of the House of Representatives.

JOHN A. GREER,

President of the Senate, pro tem.

Approved, June 28, 1845.

ANSON JONES.

REPUBLIC OF TEXAS, }
Department of State. }

I, the undersigned, Secretary of State of the Republic of Texas, do hereby certify that a Special Session of the Ninth Congress, convened at Washington, on the 16th of June, A. D. one thousand eight hundred and forty-five, and adjourned on the 28th day of June, A. D. one thousand eight hundred and forty-five.

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

EBEN'R. ALLEN.

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