

PRIVATE LAWS.

AN ACT

To Legalize the Marriage of Samuel M. Parry with Elizabeth Neese, and Legitimizing certain Children therein named, the issue of said Marriage.

Section 1. Be it enacted by the Legislature of the State of Texas, That the rights of matrimony heretofore celebrated between Samuel M. Parry and Elizabeth Neese, be, and the same are hereby declared to be valid in law, as though at the time of the celebration of said marriage no legal disability existed thereto.

Sec. 2. Be it further enacted, That the following named children, the issue of said marriage, to wit: Samuel, Mary, Catharine, Rosand, John, William, David and Martha, be, and they are hereby declared the lawful heirs of the said Samuel M. Parry and Elizabeth Neese his wife, any legal disability existing at the time of their birth to the contrary notwithstanding.

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

Approved, 4th April, A. D. 1846.

JOINT RESOLUTION

Granting the Honorable John Hemphill, Chief Justice of the Supreme Court, leave of absence from the State.

Section 1. Be it resolved by the Legislature of the State of Texas, That John Hemphill, chief justice of the supreme

court, shall have leave of absence from this State from the month of May until the first Monday of November next, or until the commencement of the fall session of the supreme court.

Approved, 27th April, 1846.

AN ACT

For the Relief of James Gilliam, assignee of Jesse Billingsly.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby required to issue a patent to James Gilliam, as assignee of Jesse Billingsly, upon a certificate for one league of land, issued to said Jesse Billingsly by the board of land commissioners of Bastrop county, under the provisions of "an act making provisions for persons who have been permanently disabled in the service of Texas," approved December 18th, 1837.

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

Approved, 27th April, A. D. 1846.

JOINT RESOLUTION

To authorize E. G. Rector to sell and transfer his six hundred and forty acres of Donation Land, to which he is entitled for having participated in the Battle of San Jacinto.

Section 1. Be it resolved by the Legislature of the State of Texas, That E. G. Rector be, and he is hereby authorized to sell and transfer his six hundred and forty acres of donation land, to which he is entitled for having participated in the battle of San Jacinto, on the 20th of April, 1836, and that this act take effect and be in force from and after its passage.

Approved, 29th April, A. D. 1846.

AN ACT

For the relief of John Karner.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office, be, and he is hereby required to issue a patent to John Karner for one-third of a league of land, the same being his head right, which was not recommended by the traveling board of land commissioners.

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

Approved, 7th May, A. D. 1846.

AN ACT

To authorize the Commissioner of the General Land Office to issue a Patent to Joseph McGee.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby authorized and required, to issue a patent on certificate number two hundred and forty, as issued by the board of land commissioners for Jasper county, on the 10th day of January, A. D. 1840, to Joseph McGee, a native born citizen, for three thousand one hundred and twenty-nine (3129) acres, instead of three hundred and sixty-nine, (369,) it being the remainedr of said McGee's headright league and labor of land.

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

Approved, 7th May, A. D. 1846.

JOINT RESOLUTION

For the relief of Charles B. Snow.

Section 1. Be it resolved by the Legislature of the State of Texas, That the comptroller of public accounts is hereby required to respect the claim of Charles B. Snow, late lieutenant of the navy, of Texas, for the sum of eight hundred and sixteen dollars, the amount to which he was entitled under the act of congress, approved 5th February, A. D. 1844, entitled "an act making appropriation for part pay of officers and seamen of the navy."

Sec. 2. Be it further resolved, That the comptroller shall issue certificates to the said Charles B. Snow, in amounts of not less than twenty dollars, which may be transferred by said Snow, and shall be receivable in the hands of any person for direct taxes due the Government, previous to the first of January, 1846.

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

Vetoed by the Governor, and passed by a constitutional majority, May 9th, 1846.

AN ACT

For the relief of Thomas Anderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to correct the field notes of league No. 17, granted to Thomas Anderson, in accordance with the intention of the survey, as evidenced by the plat or diagram, and to make a note of such corrections on the original title on file in his office: Provided, that nothing herein contained shall prejudice the rights of third persons.

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

Approved, 11th May, A. D. 1846.

JOINT RESOLUTION

For the relief of the heirs of John G. Welchmeyer.

Whereas, the board of land commissioners for the county of Harrisburg, having issued to John G. Welchmeyer his headright certificate for one league and labor of land, and whereas the board of traveling commissioners having rejected the same upon the ground that the former husband of the wife of the said John G. Welchmeyer having drawn the same quantity of land, and whereas the constitution of the Republic of Texas plainly and expressly declares that every head of a family shall be entitled to one league and one labor of land, and that the said J. G. Welchmeyer, by virtue of his marriage is, in the language of the constitution, the head of a family, and in order to protect and secure to the heirs their constitutional rights, Therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby authorized and required, to issue to the heirs of John G. Welchmeyer the headright certificate of the said Welchmeyer, for one league and labor of land.

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

Approved, 11th May, 1846.

AN ACT

For the relief of Andrew J. Yates.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby required to respect as valid, land certificate No. 641, issued by the board of land commissioners for Bexar county, to Andrew J. Yates, assignee of Juan Francisco Bueno, upon the presentation and file in his office of a certified copy of the decree of the district court of Bexar county, bearing date 19th day of April, 1839, ordering the

issuing of said certificate, and issue patent thereon as in other cases.

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

Approved, 12th May, A. D. 1846.

JOINT RESOLUTION

Requiring the Comptroller of the State of Texas to settle certain accounts.

Section 1. Be it resolved by the Legislature of the State of Texas, That the comptroller be, and he is hereby required to settle the accounts of E. W. Moore, post captain, commanding the late navy of Texas, for disbursements of money received from the Government of Yucatan, and for supplies of provisions and stores furnished the navy, while in active service, in command of the maritime force of the Republic, as well as all the accounts for monies received by him from the Government of Texas and other sources, and report his action to the next legislature of the State for their final ratification.

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

Approved, 13th May, A. D. 1846.

AN ACT

For the relief of Nathaniel Amory.

Whereas, drafts of fifty dollars each, receivable in payment of direct taxes, were issued to Nathaniel Amory in conformity with an act of Congress, approved January 27, 1845; and whereas, all of the said drafts, except twelve, have been returned to the treasury for taxes; and whereas, proof has been produced that ten of the aforesaid twelve were stolen from the agent of the said Amory; Therefore,

Be it enacted by the Legislature of the State of Texas, That the comptroller of public accounts be authorized and required to give public notice, that if the said stolen drafts be not returned to the treasury of this State, or reported to the said comptroller by the holders of the same, within ninety days from and after the date of such notice, the said ten stolen drafts or the portion of same unreturned, or unreported, shall be considered as cancelled, and that the same shall not be thereafter received in payment of any public dues; and moreover, that the comptroller be authorized after the expiration of said term of notice, to issue to said Nathaniel Amory drafts for the amount of the unreturned or unreported portion of said ten stolen drafts, which new drafts so issued, shall be receivable for any dues in payment of which those in place of which they are issued, would have been valid: Provided, however, that if any of said stolen drafts should have been or should be received by any collector of taxes in payment of the same, before the aforesaid term of notice shall have expired, such drafts, so received, shall be receivable into the treasury of the State on satisfactory proof of the time of their collection being made to the comptroller of public accounts; And provided also, that the drafts which may be issued by the comptroller, according to the provisions of this act, shall be receivable for taxes and dues to the late Republic of Texas, and not otherwise.

Passed, 15th May, 1846.

AN ACT

For the relief of Milton Hicks.

Section 1. Be it enacted by the Legislature of the State of Texas, That the land certificate No. 718, issued by the board of land commissioners of Brazoria county, in favor of Milton Hicks, for one league of land, signed by Edwin Waller, president, and A. C. Hyde, associate commissioner, be, and the same is hereby legalized, and the same be as valid as if recommended by the traveling board of land commissioners.

Sec. 2. Be it further enacted, That the certificate may be laid on any vacant and unappropriated land in this State,

and the commissioner of the general land office is hereby directed to issue a patent for such land, when located, as in other cases of valid claims.

Passed, 18th May, A. D. 1846.

OFFICE OF SECRETARY OF STATE.

I, the undersigned, Secretary of State of the State of Texas, do certify, that the first Legislature of the State aforesaid commenced its session at the city of Austin, on Monday, the 16th day of February, 1846, and adjourned on the 13th day of May, A. D. one thousand eight hundred and forty-six.

[L. s.] Given under my hand and seal of Office, at Austin,
the 10th day of August, A. D. one thousand eight
hundred and forty-six.

DAVID G. BURNET.

NOTE 1. All the words, wherever they occur, included in brackets, thus: [* * * * * ?] are inserted by direction of the Secretary of State, and are not in the text.

NOTE 2. Those laws that were signed by the Governor are designated by the word "Approved"—those not signed by him, are said to be "Passed."

INDEX

TO THE GENERAL LAWS.

	Page
Arbitration or Conciliation, Disputes settled by.....	127
Attorney General, Duties of.....	206
Attorneys and Counsellors at Law, to regulate License and Practice of	245
Austin City, Relief of Purchasers of Lots in.....	167
Austin City, Incorporated	285
Administrators, Records of transferred to new Counties.....	294
Appropriations for the support of Government	343
Adjutant General's Office, Seal of	346
Bribery, punished by exclusion from office	36
Bills, Checks, &c., Issuing of to pass as money, prohibited....	53
Briefs, filed in Supreme Court taken as appearance of Plaintiff or Defendant	133
Boards of Land Commissioners, Official acts of legalized.....	163
County of Anderson, created	20
“ Anderson, to pay a portion of the debt of Houston county	182
“ Angelina, created	120
“ Austin, Seat of Justice of	22
“ Burleson, created	16
“ Burleson, to pay a portion of the debt of Milam County	142
“ Brazoria, Boundaries of	18
“ Brazoria, County Court of, to have a duplicate made of the records contained in Book C	291
“ Comal, created	13

	Page
County of Comal, Seat of Justice of	14
“ Collin, created	44
“ Calhoun, created	48
“ Calhoun, Seat of Justice of	41
“ Cherokee, created	63
“ Cass, created	135
“ De Witt, created,	18
“ De Witt, Seat of Justice of	14
“ Dallas, created	26
“ Dallas, Seat of Justice of	93
“ Dallas, Election of Officers for	242
“ Denton, created	57
“ Fannin, boundaries of	6
“ Fannin, Debt of, apportioned	166
“ Fort Bend, boundaries of	15
“ Guadalupe, created	33
“ Guadalupe, Seat of Justice of	14
“ Grayson, created	7
“ Grimes, created	50
“ Grimes, Seat of Justice of	125
“ Grimes, to pay portion of debt of Montgomery...	140
“ Hopkins, created	24
“ Hunt, created	58
“ Henderson, created	141
“ Jackson, boundaries of	37
“ Leon, created	8
“ Leon, Seat of Justice of	242
“ Lavaca, created	49
“ Lavaca, Seat of Justice of	47
“ Lavaca, to pay portion of debt of Colorado	228
“ Limestone, created	72
“ Limestone, Seat of Justice of	92
“ Limestone, to pay one-fourth of Debt of Robert- son	119
“ Matagorda, Boundaries of	34
“ Milam, Seat of Justice of	45
“ Milam, Western Boundary of	259
“ Nueces, created	90
“ Nacogdoches, Boundaries of	93
“ Nacogdoches, New Counties taken from territory of, to pay portion of Debt	327
“ Newton, created	122
“ Newton, to pay portion of Debt of Jasper	178

	Page
County of Navarro, created	132
“ Polk, created	27
“ Polk and Tyler to pay portion of Debt of Liberty.	149
“ Panola, created	31
“ Panola, Seat of Justice of	166
“ Panola and Upshur, Duties of Cimmissioners to locate County Seats of	181
“ Paschal, Treasurer to pay over all money in his hands	179
“ Rusk, Map of	21
“ Robertson, Boundaries of	60
“ Robertson, Concerning Roads in	145
“ Smith, created	55
“ San Patricio, established	86
“ San Patricio and Nueces, organized	154
“ Tyler, created	42
“ Tyler, Courts to be holden at Town Bluff	151
“ Titus, created	198
“ Titus, to pay portion of Debt of Red River.	227
“ Upshur, created	139
“ Victoria, Boundaries of	35
“ Victoria, De Witt, Lavaca, Jackson and Calhoun, Conflicting rights of settled	124
“ Wharton, created	38
“ Wharton, Seat of Justice of	39
“ Wharton, to pay portion of debt of Colorado and Matagorda	88
“ Walker, created	51
Counties, Organization of	74
“ Incorporation of the several	320
County Surveyors, to record certain Field Notes	164
“ Lines, manner of running	231
“ Courts, Organized	333
“ Treasurer, Office of regulated	338
Custom Houses, ceded to United States	35
Customs, incurred under the Laws of the Republic, secured to the State of Texas	86
Census, to be taken	62
Comptroller of Public Accounts, Duties of	68
Conservators of the Peace, officially named and designated.	84
Corpus Christi, established and Incorporated	130
Comm'r Gen. Land Office, Seals heretofore used by, legalized.	151

	Page
Comm'r Gen. Land Office, to issue patents in the name of the State	169
" " To issue patents for land lying in two or more counties	188
" " To issue patents for Scrip located in two surveys	52
" " To issue patents on unconditional Certificates	260
" " To issue patents to Assignees of good and genuine unconditional Head Right Certificates	264
Chief Justices, to act until their successors are qualified	165
Commissioners, to take acknowledgment of Deeds, &c., to be appointed	187
Constitution and certain Laws to be translated into the German and Spanish languages	85
Constables, Duties of	261
Crockett, Town of Incorporated	323
Coroners, Duties	358
District Courts, time of holding postponed	6
" " To establish Districts of	59
" " Organized and powers defined	200
" " Time of holding	270
" " and Inferiour Courts, concurrent jurisdiction of	292
" " Proceedings in, regulated	363
District Attorneys, Duties of	295
Defendants may plead a partial failure of consideration	40
Duval Academy, Incorporated	67
Despatches to be sent for better security of the country	169
Duplicate Land Warrants, &c., act supplementary to act authorizing the issuing of, repealed	164
" " " 1st section of act authorizing the issuing of, amended	226
Elections, mode of voting in	12
" Regulating	209
Enumeration, of inhabitants provided for	62
Frontier, concerning protection of	9
Free Schools, at Galveston, tax levied for support of	30
Forgery and Counterfeiting, Punished	36

	Page
Free Masons, Lodges and Chapters of, Incorporated	144
Forts and Arsenals, ceded to United States	219
Funded Debt, mode of transferring	220
Fugitives, Governor to offer rewards for	92
Field Notes, Copies of made valid	293
Galveston, Corporation of, may levy tax for free schools.....	30
“ Island and main land, connected	91
Governor, How notified when a private corporation bill has passed	152
“ To take command of troops in person.....	195
General Land Office, establishment of	232
House of Representatives, manner of organizing	61
Huntsville Academy, Incorporated	65
Household Furniture, &c. \$250 worth, exempt from taxation.	73
Herman's University, 8th and 11th sections of act to incorpo- rate, amended	<u>78</u>
Indian Tribes, agent to proceed to	168
Juries, in criminal cases to assess fines	161
“ Regulating	170
Jury Fund, manner of raising a	184
Jurisdiction, concurrent, given to courts in some cases	292
Justices' Courts, organized and powers defined	298
Judicial Proceedings, to prevent confusion in	319
Legislature, members of, appropriation for pay and mileage of	5
“ members of, Pay and mileage established.....	320
“ Contingent expenses of	12
“ Time of meeting of the	73
Lamar Academy, Incorporated	<u>76</u>
Lands sold for Taxes, restored to former owners	138
Laws, Civil and Criminal, to be revised, digested, &c.	161
“ Of the State, publication of	328
La Grange Female Institute, incorporated	229
Land District, composed of San Patricio and Nueces counties.	269
Militia, organization of	94
Mail Contractors, requesting relief for	118
Mail Routes, establishment of, requested	142
Married Women, registration of property of	153
Married Women, Mode of conveying property of	156
Minute Men, supplement to acts for relief of	162—178
Maps, of new counties to be made	199
Moneys due from U. S. Governor to demand	132

	Page
Notaries Public, duties of	341
" " Chief Justice of counties to be notified of the appointment of	160
New Braunfels, Incorporated	276
Odd Fellows, Grand Lodge of, incorporated	53
Public Property, ceded to United States	25
Parties to Suits, may appear in person	26
Perjury, punished by exclusion from office	36
Pilots, regulation of	79
Petitioners, to Legislature, may withdraw vouchers	129
Public Buildings, in Austin, disposed of	134
Patrols, appointment and duties of	191
Penitentiary, establishment of a	221
Purchasers of lots, in Austin, relief of	167
Partnerships, regulated	279
Probate Courts, organized	308
Representatives, to U. S. Congress, election of	3
" Governor to pay expenses to circulate the law for the election of	78
" Supplement to act, for election of	117
" Time of holding elections for	241
Religious Meetings, Protected	123
Revenue, to be raised by direct taxation	146
Right of the State, to jurisdiction over the soil, declaration of	155
Rail Road, Lavaca, Guadalupe and San Saba, Incorporated	185
Rail Road, Colorado and Wilson Creek, Incorporated	218
Registry of Deeds, &c., provided for	236
State Treasurer, duties of	10
Suits, against the State authorized	134
Secretary of State, duties of	189
Slaves, prevented from hiring their own time	195
Supreme Court, to organize	249
" " Briefs filed in, taken as appearance of plaintiff or defendant	133
" " Appeals to, in criminal cases, regulated	330
Sheriffs, duties of	265
Taxation, revenue raised by direct	146
Turnpike Road, from Houston to Brenham	257
Taxes, assessment and collection of, provided for	347
United States, property ceded to	25
United States, Moneys due from, to be demanded by Governor	132
Vacancies, in office, may be filled by Governor	40

	Page
Volunteers, authorized to elect their own officers.....	318
War and Marine Department, business of, closed.....	143
Wife's Property, mode of conveying	156
Wreck Masters, regulated	158
Weights and Measures, regulated	180

INDEX

TO THE PRIVATE LAWS.

Anderson, Thomas, relief of	412
Amory, Nathaniel, relief of	414
Gilliam, James, assignee of Jesse Billingsly, relief of	410
Hemphill, John, leave of absence granted to.....	409
Hicks, Milton, relief of	415
Karner, John, relief of	411
McGee, Joseph, relief of	411
Moore, E. W., accounts of, to be settled	414
Parry, Samuel M. and Elizabeth Neise, marriage of, legalized.	409
Rector, E. G., relief of	410
Snow, Charles B., relief of.....	412
Welschmeyer, J. G., heirs of, relief of	413
Yates, A. J., relief of	413

