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GENERAL LAWS

OF THE

NINTH LEGISLATURE

OF THE

STATE OF TEXAS.

BY AUTHORITY.

HOUSTON :

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# GENERAL LAWS.

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## CHAPTER I.

*AN ACT providing for the payment of the per-diem of the members and officers of the Ninth Legislature.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of twelve thousand dollars be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, towards the payment of the per diem of the members and officers of the Legislature, and the certificate of the Chief Clerk of the House of Representatives and Secretary of the Senate shall be authority for the Comptroller to draw his warrant upon the Treasurer for the several amounts to which the members and officers are respectively entitled.

SEC. 2. That this act take effect from and after its passage.

Approved November 21st, 1861.

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## CHAPTER II.

*AN ACT to amend article 284 of the Penal Code of the State of Texas.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That article 284 of the Penal Code be so amended as hereafter to read as follows:

If any person shall wilfully disturb any congregation assembled for religious worship, and conducting themselves in a lawful manner, whatever may be the religion professed by such congregation, he may be put under restraint by any peace officer, present, during the continuance of such religious worship; and in addition thereto, he shall, on conviction, be fined a sum not less than five nor more than one hundred dollars.

SEC. 2. This act [shall] be in force from and after its passage.

Approved November 23d, 1861.

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## CHAPTER III.

*AN ACT to amend the 1st section of an act entitled, "An Act to amend the 4th section of the act of May 12th, 1846, entitled 'An Act to regulate the license and practice of Attorneys and Counsellors at Law;'" and to amend the 2d section of the act of February 11th, 1854, entitled "An Act to amend the 9th and 10th sections of an act to regulate the license and practice of Attorneys and Counsellors at Law."*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the 1st section of the above entitled act is hereby amended, so that the same shall hereafter read as follows, to wit:

Every person admitted to practice law shall, before receiving license, take an oath that he will support the Constitution of this State, and the Constitution of the Confederate States, so long as Texas shall remain a member thereof; that he will honestly demean himself in the practice of the law, and will discharge his duties to his clients to the best of his ability. Which oath shall be endorsed upon his license, subscribed by him, and attested by the officer administering the same.

SEC. 2. That an act entitled as above, approved April 1st, 1861, be and the same is hereby repealed; and that this act take effect, and be in force from and after its passage.

Approved November 27, 1861.

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#### CHAPTER IV.

*AN ACT supplementary to an act entitled "An Act authorizing the issuing of Duplicate Land Warrants, Discharges, and Duplicates for Headright Claims," upon certain conditions.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That when any person may have applied for and obtained a Duplicate Land Warrant, Discharge, or Headright Certificate, under the provisions of the act to which this is a Supplement, and may have lost such Duplicate, such person shall be entitled to demand and receive a Triplicate of the same, so lost, by complying with the above recited act.*

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved November 27th, 1861.

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#### CHAPTER V.

*AN ACT to provide for the sale of certain property belonging to the State, now in the hands of the Adjutant General; and for the payment of the proceeds of such sale in moneys, Treasury warrants, or other liabilities of this State.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Adjutant General be and he is hereby required to sell, or cause to be sold, within the limits of twenty days, and after having advertised said sale by notice sent out to other counties for at least ten days before said sale, or as soon thereafter as possible, at the city of Austin, and to the highest bidder, any and all perishable property now owned by the State, recently in the possession of Quartermaster Debray, consisting of mules, horses, ambulances, harness, camp equipage, &c.; the proceeds of such sale to be in money, Treasury warrants, or other legal or audited claims against the State of Texas, and by him paid into the Treasury; and that the necessary expenses of such sale be paid by the Treasurer, on the order of the Adjutant General.*

SEC. 2. That fifty dollars, or so much thereof as may be necessary to carry into effect the provisions of section one of this act, be and the same is hereby appropriated out of any unappropriated money now in the Treasury; and that this act take effect from and after its passage.

Approved November 27th, 1861.

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#### CHAPTER VI.

*AN ACT to promote the construction of an efficient War Marine by the Confederate Government.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the sum of five hundred dollars be and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated, for the purpose of assisting Robert Kreuzbaur in submitting his invention, styled the "Sea King," to the War Department of the Confederate States for examination; and in the preparation of such drawings, and the construction of such models as may be required by that Department in making such examination.*

SEC. 2. *Be it further enacted*, That the Comptroller be and he is hereby required to draw his warrant on the Treasurer, in favor of Robert Creuzbaur, for the sum appropriated by the 1st section of this act, and that the Treasurer pay the same as herein provided.

SEC. 3. *Be it further enacted*, That the said sum of five hundred dollars shall be returned into the Treasury of the State out of any profits which he, the said Robert Creuzbaur, may derive from the use of his invention.

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

Approved November 27th, 1861.

## CHAPTER VII.

*AN ACT Suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money, until the first day of January, 1864, or until six months after the close of the present war should it terminate before the date named, or until otherwise provided by law.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That until the first day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law, all laws for the collection of debts, and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money, except in cases of official liabilities on the part of public officers, liabilities and indebtedness to the State, and also where money has been received on deposit, or in trust for those who may be entitled to the same, and for the collection of the interest on the money loaned at interest by guardians, belonging to their wards: are hereby suspended, provided that this act shall not be construed to forbid the issuance of writs of attachment, sequestration, or injunction, nor the institution of necessary preliminary proceedings for that purpose in accordance with existing laws, and provided further, that this act shall not apply to any claim or demand against alien enemies, and provided further, that this act shall not be so construed as to interfere with the action of the Supreme Court in deciding all cases as now directed by law.

SEC. 2. That this act shall not apply to parties who have cases now pending in the Courts who agree in open Court to proceed to trial.

SEC. 3. That until the expiration of the time named in the first section of this act, or until otherwise provided by law: no execution or *venditioni exponas* founded upon any judgment, or decree, obtained previous to the passage of this act, shall be issued for the sales of property, nor shall there be any sales under execution, or writs of *venditioni exponas* now issued, or levied, unless the judgment-creditor, or his Agent, or Attorney, shall make an affidavit in writing, before the Justice of the Peace, or the Clerk of the Court to whom he shall apply for said execution, or *venditioni exponas*, that the defendant is about to remove his property beyond this State, or the County, where the judgment, or decree was rendered, or that he is about to transfer, or secrete, or has transferred, or secreted his property for the purpose of defrauding his creditors, and that thereby the plaintiff will probably lose his debt, and he shall also swear that the writ is not sued out for the purpose of injuring the defendant; *provided*, That any debtor or defendant who may have property in the hands of the Sheriff, or other officer, under levy of execution or *venditioni exponas*, shall, within sixty days after the passage of this act, replevy the same by giving bond in double the value of the property or the amount of the debt, if it be less, with good and sufficient security, payable to the plaintiff in the writ, for the forthcoming of the property when the remedies for the collection of debts hereby suspended shall be revived.

SEC. 4. That this act shall not be construed to discharge the lien which has already been acquired by due process of law, nor shall the time during

which this law is in force, be computed in any case where the statute of limitation comes in question.

SEC. 5. That during the time named in this act, or until otherwise provided by law, it shall not be necessary to issue execution or writs of *renditioni exponas* to prevent judgments from becoming dormant, nor shall it be necessary for the holder of any bill of exchange, or promissory note, to bring suit against the acceptor of such bill of exchange, or against the maker of such promissory note, in order to secure and fix the liability of any drawer or endorser of such bill of exchange, or any endorser of such promissory note.

SEC. 6. That during the time named in the first section of this act, or until otherwise provided by law, there shall be no sales of property under deeds of trust, or mortgages, or hypothecations in writing; but the beneficiaries under the same shall be entitled to the benefits of the writ of sequestration in accordance with the existing laws; *provided*, That in all cases where the property conveyed by deeds of trust, or mortgages with power of sale in the mortgage, may be of a perishable nature, and liable to depreciation in value by lapse of time, the beneficiaries in such deeds of trust or mortgages, shall, after the maturity of the same, be entitled to the benefits of the writ of sequestration upon making affidavit in writing before the officer to whom he shall apply for said writ as follows, viz :

*First*, That he holds an unsatisfied deed of trust, or mortgage upon the property sought to be sequestered, and which shall be described in the affidavit, and shall also state that the debt secured by said deed of trust, or mortgage, is due and unpaid and the amount thereof.

*Second*, That said property is of a perishable nature, and is depreciating in value, or that it is being wasted by the person in possession of the same, and that by reason of such depreciation or waste, the security provided by such deed of trust, or mortgage, will become insufficient before the lapse of time provided for in this act, for the payment of the amount due on said deed of trust or mortgage,—and thereupon, said writ of sequestration shall be issued, and the property sequestered may be replevied by the debtor or grantor in said deed of trust, or mortgage, or in default thereof by the beneficiary therein as now provided by law under the act regulating sequestrations.

SEC. 7. That during the time named in this act, or until otherwise provided by law, no property of any soldier, seaman, or marine, now or hereafter engaged in the military or naval service of the Confederate States of America, or the State of Texas, shall, during such service, be levied on under execution, or sold by virtue of any levy heretofore made. Nor shall the property of any such soldier, or marine, be subject to attachment or writs of *renditioni exponas*, or sequestration, during his continuance in said service.

SEC. 8. That this act shall take effect and be in force from and after its passage.

Approved December 7th, 1861.

## CHAPTER VIII.

*AN ACT* legalizing the action of various County Courts in issuing Bonds for military purposes, and providing a tax for the redemption of the same.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the action of such of the County Courts of this State, as have issued, or provided for the issuance of county bonds of their counties for military purposes, or for the support and carrying on of the war, now existing between the Confederate States of America and the United States, is hereby validated in all respects, and such bonds shall be as valid and binding upon the counties issuing the same, as though they had been issued or provided to be issued in strict accordance with pre-existing laws; and all acts of such county courts in levy-



ing, or providing for the levy of taxes for the purpose of paying such bonds, or the interest thereon, are hereby validated and made, in all respects, valid and binding on such counties.

SEC. 2. This act shall be in force from and after its passage.]

Approved, December 9, 1861.

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## CHAPTER IX.

*AN ACT relating to forfeitures in certain cases of bail bonds and recognizances, in cases of misdemeanor.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That during the continuance of the existing war between the Confederate States of America and the United States, no forfeiture of any bail bond or recognizance, executed or entered into by any defendant or surety for a defendant, witness, or surety for a witness, in any case of misdemeanor, shall be taken or entered by any court in this State, against such defendant, or surety for defendant, witness, or surety for witness, while such defendant or witness shall be in the military or naval service of the Confederate States of America, or of this State; nor shall any such forfeiture be taken or entered against any such surety of a defendant or witness, while such surety shall be in such service.

SEC. 2. This act shall take effect, and be in force from and after its passage, and shall cease to be of force or effect from and after the establishment of peace between the Confederate States and the United States.

Approved, December 9, 1861.

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## CHAPTER X.

*AN ACT making an appropriation to defray the contingent expenses of the Ninth Legislature.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of four thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay the contingent expenses of the Ninth Legislature.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved, December 9, 1861.

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## CHAPTER XI.

*AN ACT defining the pay of the State Troops under the command of Col. John S. Ford, on the Rio Grande.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That all State Troops called into service by authority of the Convention of Texas, or the Governor of the State, on the Rio Grande for the year 1861, under command of Col. John S. Ford, that served on the Lower Rio Grande, and were mustered out of service by Charles Lovenskiold, shall receive the same pay and allowance, as are allowed for similar services, according to army regulations, for the year 1857, as adopted by this State.

SEC. 2. That the Comptroller be authorized and required to audit all claims arising under the first section of this act, and cause the same to be paid out of any General Frontier appropriations.

SEC. 3. That this act take effect from and after its passage.

Approved, December 14, 1861.

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## CHAPTER XII.

*AN ACT allowing the laws of any of the Confederate States to be received in evidence.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That

a printed volume or book, purporting or appearing upon the face of it, to contain the laws of any State of the Confederate States of America, or any Territory thereof, may be received as *prima facie* evidence of the laws of such State, whenever such laws shall come in question in the trial of any case in any court of this State.

SEC. 2. That this act take effect and be in force from and after its passage.  
Approved, December 17, 1861.

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### CHAPTER XIII.

*AN ACT to amend the second section of An Act entitled An Act to regulate interest.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the second section of an act entitled "an act to regulate interest," be amended so that the same shall hereafter read as follows, to-wit: That on all written contracts, ascertaining the sum due when no specific premium or rate of interest is expressed, interest shall be taken, recovered and allowed at the rate of eight per centum per annum, from and after the said sum is due and payable; and that on all open accounts, when no specific rate of interest is agreed upon, interest shall be taken, recovered and allowed at the rate of eight per centum per annum, from the first day of January of each year, after such accounts are made.*

SEC. 2. That this act take effect from and after its passage.  
Approved, December 17, 1861.

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### CHAPTER XIV.

*AN ACT to change the names of the Counties of Cass and Buchanan.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the names of the Counties of Cass and Buchanan, be changed to Davis and Stephens, respectively, (in honor of Jeff. Davis, President, and A. H. Stephens, Vice President of the Confederate States of America.)*

SEC. 2. That all processes heretofore issued from either of said counties, be as valid as if the same had been issued in the name of the counties of Davis and Stephens.

SEC. 3. That all laws in conflict with this act be, and are hereby repealed; and this act take effect from and after its passage.

Approved, December 17, 1861.

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### CHAPTER XV.

*AN ACT for the benefit of irrigable property.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That any person or persons amenable to the laws governing irrigation, who may refuse to work on any ditch or aqueduct when summoned by the proper authority, may be cited before any Justice of the Peace in the precinct where he or they may reside, and fined not less than one nor more than five dollars, for each and every offence or refusal.*

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved December 20th, 1861.

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### CHAPTER XVI.

*AN ACT to provide for the protection of the Frontier of the State of Texas.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That there shall be raised a regiment of Rangers for the protection of the Northern and Western frontier of the State of Texas, to consist of ten companies, to be*

raised as hereinafter prescribed, to be officered according to the rules and regulations of the Confederate States army, and the number of officers and privates, their pay and emoluments, shall be the same as in similar service in the Confederate States army.

SEC. 2. Said men shall furnish themselves with arms, horses and accoutrements, and shall be enrolled for a term not less than twelve months, unless sooner discharged; and at the expiration of their term of service others shall be enrolled to supply their places.

SEC. 3. The requisite number of men for said regiment shall be raised in the frontier counties, to wit: One company shall be raised in the counties of Clay, Montague, Cooke and Wise; one company shall be raised in the counties of Young, Jack, Palo Pinto and Parker; one company from the counties of Stephens, Eastland, Erath and Bosque; one company from the counties of Coryell, Hamilton, Lampasas, Comanche and Brown; one company from the counties of San Saba, Mason, Llano and Burnet; one company from the counties of Gillespie, Hays and Kerr; one company from the counties of Blanco, Bandera, Medina and Uvalde; one company from the counties of Frio, Atascosa, Live Oak, Karnes and Bee; one company from the counties of El Paso and Presidio; and one company may be raised in any section of the State the Governor may direct. And, provided, that the unorganized counties shall furnish men with the counties to which they are attached for judicial purposes, and every county named in this section shall have the privilege to furnish its proportion of men, in preference to all other applications; and when any company cannot be furnished with the requisite number of men from the counties named in this act, then the deficiency may be supplied from the nearest adjoining counties not named in this act.

SEC. 4. Said troops shall be stationed in detachments of not less than twenty-five men. When the requisite number of men shall have entered this service, and shall take their stations on the outside settlements of the frontier, as nearly as practicable in a direct line from a point on Red River to a point on the Rio Grande river, and thence down said river to its mouth, to be selected by the commanding officer, and the commanding officer shall select the posts at the direction of the Governor, in accordance with this act; and such stations shall be, if practicable, about twenty-five miles distant from each other, or so near each other that scouts shall pass over the ground between any two stations once every day. And farther, that the companies, or parts of companies, shall be stationed on that part of the frontier in which they have been enrolled, and that the posts on Red River shall be supplied with additional force of not less than twenty-five men; and the company designated in the third section of this act, to be raised in any part of the State, shall be in readiness to report to any part of the line the Governor or commanding officer may think necessary.

SEC. 5. That the Governor is required, immediately after the passage of this act, to commission competent persons, one for every company and district, as set forth in this act, to enroll the number of men for a company, and when at least sixty-four men shall have been enrolled, they shall organize by holding elections for company officers, and the Captain elected shall return a muster-roll, and make such other reports as may be required by the Governor, to the Adjutant-General's department, and shall, as soon as ordered by the Governor, repair to the frontier, and perform duty on the plan laid down in this act, until otherwise directed by the Governor or superior officer.

SEC. 6. The Governor shall have power to appoint the field officers, as well as all other disbursing officers, pertaining to said regiment.

SEC. 7. The troops raised under and by virtue of this act shall be subject to the rules and regulations of the Confederate States army, but shall always be subject to the authorities of the State of Texas for frontier service, and shall not be removed beyond the limits of the State of Texas; and that it shall be the duty of the Governor to enclose a copy of this act to the Secretary of War, and to each of our Representatives in Congress, urging the acceptance of said regiment in the service of the Confederate States, as in lieu of one of the

regiments now upon said frontier, and as the most effective and economical mode of frontier protection.

SEC. 8. That no portion of said troops shall become a charge against the State until organized, as required by the fifth section of this act, and placed under orders.

SEC. 9. That an act to provide for the protection of the frontier of the State of Texas, passed February 7th, 1861, be and the same is hereby repealed, from and after the first day of March next.

SEC. 10. The Governor shall have power to disband said regiment whenever in his judgment the services shall no longer be necessary for frontier protection, should the same not be accepted by the Confederate Government, under the provisions of this act.

SEC. 11. That this act take effect and be in force from and after its passage.  
Approved December 21st, 1861.

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## CHAPTER XVII.

*AN ACT to repeal section 2d and section 5th of an act entitled "An Act to incorporate all military uniformed companies now organized, or to be organized in the State." Approved February 15th, 1858.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That section two and section five of an act entitled "An Act to incorporate all military uniformed companies now organized or to be organized in the State," approved February 15, 1858, be and the same are hereby repealed, and this act to be in force from and after its passage.*

Approved December 24th, 1861.

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## CHAPTER XVIII.

*AN ACT to repeal an act supplemental to "An Act to regulate Estrays," approved February 5th, 1861; and "An Act to amend an act supplemental to an act to regulate Estrays," approved February 5th, 1861, approved April 6th, 1861; and to revive an act to regulate Estrays, approved February 5th, 1850, and an act approved December 17th, 1851, in certain counties hereinafter named.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That an act supplemental to an act to regulate Estrays, approved February 5th, 1861; and an act to amend an act supplemental to an act to regulate Estrays, approved February 5th, 1861, approved April 6th, 1861, be and the same are hereby repealed within the counties of Smith, Cherokee, Anderson, Lamar, Shelby, Grayson, Leon, Madison, Houston, Trinity, San Augustine, Angelina, Dallas, Davis, Red River, Harris, Titus, Bowie, Upshur, Wood, Marion, Collin, Nacogdoches, Van Zandt, Henderson, Tarrant, Newton, Jasper, Tyler, Polk, Hardin and Orange; and that an act entitled an act to regulate Estrays, approved February 5th, 1850, and an act approved December 17th, 1851, be and the same are hereby revived within the above-named counties.*

SEC. 2. That this act take effect and be in force from and after its passage, provided, that all estrays which are required to be sold before the courthouse door of these counties, shall be sold only on the first Tuesday in each month between the legal hours of sale.

Approved December 24th, 1861.

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## CHAPTER XIX.

*AN ACT to amend the 1st section of an act entitled "An Act prescribing the order of determining cases in the Supreme Court," approved February 7th, 1861.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall be so amended as hereafter to read as follows, to wit:*

That the cases on the dockets of the Supreme Court shall be determined in the order in which they stand upon the docket, or have been or may be submitted to the court, except where continued by consent, or to make parties; or for the return of any writ; or in cases which have been heard by two of the judges only, and they are unable to agree; or in cases in which the court are unable to form an opinion upon which a judgment can be entered, after investigating the same a reasonable time. And whenever a case is thus passed over it shall be the duty of the Chief Justice to enter upon the docket the reason therefor, and proceed with other cases upon the docket.

SEC. 2. This act shall take effect and be in force from and after its passage. Approved December 27th, 1861.

## CHAPTER XX.

*AN ACT to perfect the organization of State Troops, and place the same on a war footing.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That every able bodied free white male inhabitant of this State, between the ages of eighteen and fifty years, shall be liable to perform military duty under this act, except as herein provided.

SEC. 2. Postmasters, mail carriers, ferrymen on public roads, Judges of the Supreme and Districts, and clerks of said courts, Secretary of State, Comptroller and Treasurer of the State, Chief Justices and clerks of the county courts, all officers of the Confederate States, engineers and conductors on railroads, officers and crews of steamboats, sheriffs and officers of the Penitentiary, shall be exempt from the performance of military duty as prescribed by this act.

SEC. 3. The whole of this State shall be divided into thirty-three Brigade Districts as follows, to-wit: Brigade No. 1, shall be composed of the county of Galveston; Brigade No. 2, shall be composed of the counties of Chambers, Liberty, Polk, Tyler, Hardin, Jasper, Newton, Jefferson and Orange; Brigade No. 3, the counties of Angelina, Nacogdoches and San Augustine; Brigade No. 4, the counties of Sabine, Shelby and Panola; Brigade No. 5, the county of Rusk; Brigade No. 6, the counties of Harrison and Upshur; Brigade No. 7, the counties of Davis, Marion and Bowie; Brigade No. 8, the counties of Titus and Red River; Brigade No. 9, the counties of Lamar and Hopkins; Brigade No. 10, the county of Cherokee; Brigade No. 11, the counties of Houston, Anderson and Trinity; Brigade No. 12, the counties of Wood, Smith and Van Zandt; Brigade No. 13, the counties of Kaufman, Dallas and Henderson; Brigade No. 14, the counties of Fannin and Hunt; Brigade No. 15, the counties of Grayson and Collin; Brigade No. 16, the counties of Brazoria, Fort Bend and Harris; Brigade No. 17, the counties of Montgomery, Grimes and Walker; Brigade No. 18, the counties of Madison, Leon, Robertson, Brazos and Burleson; Brigade No. 19, the counties of Limestone, Freestone, Ellis and Navarro; Brigade No. 20, the counties of Johnson, Tarrant, Erath, Parker and Palo Pinto; Brigade No. 21, the counties of Cook, Denton, Wise, Montague, Jack, Young, Clay, Wichita, Archer, Wilbarger, Baylor, Throckmorton, Hardeman, Knox, Haskell, Stephens, Shackelford and Jones; Brigade No. 22, the counties of Matagorda, Wharton, Colorado and Fayette; Brigade No. 23, the counties of Austin and Washington; Brigade No. 24, the counties of Calloun, Jackson, Victoria, De Witt and Lavaca; Brigade No. 25, the counties of Gonzales, Guadalupe and Caldwell; Brigade No. 26, the counties of Bastrop, Travis and Hays; Brigade No. 27, the counties of Milam, Williamson, Burnet, Bell and Lampasas; Brigade No. 28, the counties of Falls, Coryell, McLennan, Bosque, Comanche, Brown, Hamilton, Eastland, Callahan, Coleman, Taylor, Runnels and Hill; Brigade No. 29, the counties of Refugio, San Patricio, Nueces, Goliad, Bee, Live Oak, Karnes, McMullen, La Salle and Dimmit; Brigade No. 30, the counties of Bexar and Wilson; Brigade No. 31, the counties

of Blanco, Comal, Bandera, Kerr, Gillespie, Llano, San Saba, Medina, Uvalde, McCulloch, Concho, Mason, Menard, Kimble, Edward, Dawson, Kinney, Maverick, Atascosa, Frio and Zavalla; Brigade No. 32, the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Encinal and Duval; Brigade No. 33, the counties of El Paso and Presidio.

SEC. 4. The State troops of each military district shall be divided into companies, battalions, regiments and brigades; each company shall consist of not less than thirty-two nor more than one hundred, non-commissioned officers and privates. Battalions shall consist of not less than three, and when formed into regiments, not more than five companies. A regiment shall consist of not less than two battalions, and a brigade shall consist of not less than two regiments; Provided, nothing in this act shall prevent the different arms of service of the State troops adapting their respective organization to the corresponding arms of service of the Confederate States army.

SEC. 5. There shall be to each company one Captain, one First Lieutenant, two Second Lieutenants, four Sergeants, and four Corporals, and two Musicians.

SEC. 6. There shall be to each regiment, one Colonel, one Lieutenant-Colonel, one Major, and the following staff officers, to-wit: one Adjutant, with the rank of First Lieutenant, one Quartermaster, who shall also act as paymaster, one Commissary, one Assistant Surgeon, each with the rank of Captain, one Surgeon, with the rank of Major, one Sergeant Major, one Quartermaster Sergeant, and two Chief Musicians, and one Chaplain, with the rank of Captain. The regimental staff shall be appointed and shall hold their respective offices at the pleasure of the Colonel of the regiment.

SEC. 7. There shall be to each brigade one Brigadier-General, with the following staff officers: one brigade Major, one brigade Adjutant and Inspector General, who shall serve as Judge-Advocate, one brigade Quartermaster, who shall serve also as paymaster, one Commissary, each with the rank of Major, one Aid-de-Camp with the rank of Captain.

SEC. 8. The rank of officers of equal grade shall be determined by seniority of commissions, but when commissions of equal date exist, the rank shall be determined by lot to be drawn by the officers holding such commissions, in the presence of their respective commanders, whether of regiment, battalion or companies, and shall be endorsed upon their respective commissions; but when commissions issued to Brigadier-Generals are of the same date, the rank shall be determined by lot drawn by the Adjutant-General.

SEC. 9. The organization of the Militia of the State heretofore effected under the Act of February 14th, 1860, shall be preserved so far as is consistent with the provisions of this act, and shall hereafter be regulated by the same; and all officers elected by virtue of the act of February 14th, 1860, shall continue to exercise the duties of their several offices until the first day of April, 1862, or until such time thereafter as their successors may be elected and qualified under the provisions of this act, unless such officers sooner resign or be removed; and there shall be elected under orders of the Brigadier-Generals, in accordance with this act, on the last Saturday in March, 1862, company and field officers, to succeed those now in office under the act of February 14th, 1860. And if for any cause an election should not be held in any case, according to the provisions of this section, in such case an election shall be immediately ordered by the regimental or brigade commandant, as the case may be, giving ten days notice thereof, and all commissions issued under the provisions of this act shall expire at the end of three years from their date, except those of Brigadier-Generals.

SEC. 10. It shall be the duty of the Brigadier-General in each brigade, immediately after the passage of this act, to appoint and authorize the senior Justice of the Peace, in each precinct, and in such precincts as have no Justice of the Peace, the Brigadier-General shall appoint some fit and suitable person, as enrolling officer of such precinct, where the militia have not already been enrolled and companies organized as contemplated by the foregoing section, whose duty it shall be, within ten days after notice of his appoint

ment, to enroll all persons within his precinct subject to military duty under the provisions of this act, and such enrolling officer, immediately upon completing the enrollment within his precinct, shall, within five days, make duplicate copies of said enrollment, one of which he shall forward to the Brigadier-General, and the other he shall retain until the troops enrolled by him have been organized by the election of company officers, said enrolling officer shall, upon the completion of enrollment, immediately order an election for company officers, giving ten days notice by posting advertisements in three or more places in said precinct, designating the time and place of said election. He shall act as judge of said election, and shall appoint two persons to act as assistant judges of said election, and within five days after such election shall certify the result of said election, and forward the same, together with the poll list, enveloped and sealed, to the Brigadier-General, upon whose certificate to the Adjutant-General, commissions shall be issued to the persons elected, but the company officers shall proceed to the discharge of the duties of their respective offices, upon the certificate of election from the Brigadier-General, in the same manner and effect as if commissioned by the Governor.

SEC. 11. The enrolling officers appointed as above provided shall continue in office during the pleasure of the Brigadier-General, and whilst in office they shall promptly and faithfully obey all orders of the Brigadier-General and officers in command of the regiment or battalion to which such enrolling officer may be attached, and such Justice of Peace or enrolling officer may be punished upon conviction by a court having competent jurisdiction, by a fine of not less than twenty-five nor more than fifty dollars for any and every delinquency or disobedience of orders of which he or they may be guilty, all persons refusing to respond to the satisfaction of the enrolling officer shall be returned by such officer as liable to military duty.

SEC. 12. It shall be the duty of the Brigadier-General, within ten days after the receipt of the returns of the election of company officers to divide his Brigade into regiments and battalions, and independent battalions may be formed in counties where the population is insufficient to form a regiment, and in such parts of counties where settlements may be separated or isolated by natural causes, and shall within twenty days thereafter order an election for one Colonel, one Lieutenant Colonel and one Major of each regiment by issuing an order to the enrolling officers, requiring them to post such order of election in three public places in each company beat composing such brigade district, at least ten days previous to such election, and such Justices of the Peace, or enrolling officers, as were appointed to enroll and hold election for company officers, shall, on the day designated by the order of the Brigadier-General, open the poll for the election of said Colonel, Lieutenant Colonel and Major, and shall keep a correct roll of every vote cast, whether for Colonel, Lieutenant Colonel or Major, which shall be certified to by the officer holding such election, signed, sealed and transmitted within ten days to the Brigadier-General, and it shall be the duty of the Brigadier-General to open such returns and issue to such persons as may have received the highest vote cast, whether for Colonel, Lieutenant Colonel or Major, a certificate of such election, and shall immediately transmit to the Adjutant-General, a certificate of such election, whereupon commissions shall be issued to such parties, and any person having been elected Colonel, Lieutenant Colonel or Major, and having received a certificate of such election from the Brigadier-General, shall immediately proceed to the discharge of their duties, and shall be respected accordingly.

SEC. 13. The Brigadier-Generals appointed as herein before provided, shall, within ten days after the regimental and battalion organization has been completed, order an election for Brigadier-Generals, giving twenty days notice of said election. And it shall be the duty of the Captains or officers in command of companies to advertise said election in the manner provided herein for other elections, and to open the polls and hold said election on the day designated in the order therefor, said election shall be held and regulated in all respects as elections for company officers. The Captain or officer in com-

mand of the company being the judge of election, and having power to appoint two assistant judges. The returns of said election shall be immediately made to the Adjutant-General, who shall, after the expiration of thirty days, or so soon as the returns from all the precincts have been received by him, proceed to open and compare said returns, and shall issue commissions to the persons receiving the largest number of votes at said election. The person so elected and commissioned shall hold his office for the term of four years from the date of his commission.

SEC. 14. It shall be the duty of the Captain to enforce within his company the military laws of this State, and the commands of his superior officers; he shall assemble his company at least once every two weeks during the continuance of the present war, and shall instruct, drill and exercise it in the school of the soldier and company. He shall be responsible for the correct instruction and good order of his company; he shall constantly keep in office in his company the full number of non-commissioned officers required by law; he shall report all defaulters for neglect of military duty to the first court-martial authorized to try the same; he shall cause such offenders to be summoned to attend such court-martial, which he shall furnish with the evidence of such summons; he shall have power to order and enforce the re-enrollment of all persons within his military beat, as often as he may think necessary to promote the efficiency of his command, and he shall have power to impose such punishment by arrest, imposition of fatigue duty, or other punishment, for disobedience of orders, or unmilitary conduct whilst on parade or on duty, as in his discretion he may deem necessary and proper, being responsible for the improper use of authority as hereinafter provided.

SEC. 15. Every officer, non-commissioned officer and private composing any company organization, and every person residing in any company beat, liable to perform military duty as is required by this act, who shall fail to attend any company muster and perform duty thereat, shall, without having been excused by the Captain, be guilty of an offence, and may be fined in the sum of not less than one nor more than five dollars together with all costs, for such disobedience of orders, to be collected as herein provided, notice given by the Orderly Sergeant before dismissing his company, or by being posted at three public places within the company beat for five days previous to any company muster shall be deemed legal notice thereof.

SEC. 16. At each and every company, battalion or regimental muster, the company roll shall be called by the orderly sergeant, upon the formation of the company, and all absentees noted by him, and reported to the officer in command, and on the muster day next succeeding the muster of each company at which there may have been any delinquencies, the Captain or officer in command of each company, shall hear the excuse of said delinquent, and if in his judgment it shall not be sufficient, then he shall immediately return to the nearest Justice of the Peace, a certified list of the names of all delinquents, which shall be prima facie evidence of the delinquencies stated therein, and it shall be the duty of said Justice of the Peace to issue citation in the name of the State of Texas, directed to any legal officer of the county commanding him to summon the person named therein, to be and appear before him on a day stated, not less than three nor more than five days from the date of said citation, and said Justice of the Peace shall proceed to hear and determine the cause shown by said delinquents, if any, why judgment should not be rendered against him for the penalty as provided for in this act, which cause shall be rendered under oath, and upon the rendition of judgment, it shall be the duty of said Justice of the Peace to issue execution to be levied upon the goods and chattels of said delinquents for the amount of the fine and cost adjudged against him, and all personal property belonging to the delinquent shall be subject to levy and sale under said execution, any law to the contrary notwithstanding, *provided*, that any delinquent may discharge said delinquency by paying to the commissioned officers, such fine as they may assess against him for said delinquency, within the provisions of this act, and should there be no property of the delinquent out of which to make said fine and costs,



then, and in that event he shall be liable to arrest, and to be held in custody not less than one, nor more than five days, and all sums of money so collected shall be paid over to the Captain commanding such defaulters, and by him used as a company fund.

SEC. 17. Each person elected an officer in any company, who shall accept the commission, shall be compelled to serve in the office to which he shall be elected for twelve months, under a penalty of twenty dollars, unless he shall be promoted or removed out of the limits of his command, or become from bodily or mental infirmity, incapable of performing the duty thereof, or be deprived of his commission by the sentence of a court martial, or unless his resignation shall be accepted by his superior officer.

SEC. 18. If any beat company shall neglect or refuse to organize by the election of company officers as herein provided, or the person elected shall refuse to accept such office, it shall be the duty of the Brigadier General to appoint and certify for commission, some fit persons in such beat to fill such offices, and they shall be compelled to serve in such offices for twelve months, under the penalty of fifty dollars, unless they shall be sooner promoted, or from bodily or mental infirmity, become incapable of performing the duties thereof, or remove out of the limits of the command, or unless the company shall sooner elect officers; and whenever vacancies occur in any company by resignation or otherwise, and such company shall refuse to elect officers for twenty days thereafter, the Colonel or commanding officer shall appoint some suitable person who shall serve as captain under the penalty of fifty dollars, and he shall commission as often as the appointment shall be refused, and in every case of refusal, the penalty shall be enforced.

SEC. 19. Every commissioned officer shall, within twenty days after entering upon the duties of his office, take and subscribe before any officer of the State, qualified to administer oaths by law, the following oath or affirmation, to-wit: I, —, do solemnly swear or affirm, that I will be faithful, and true allegiance bear to the State of Texas, so long as I may be a citizen thereof, and that I will, to the best of my ability, discharge the duties of —, and that I will preserve, protect and defend the Constitution of the State of Texas, and of the Confederate States,—so help me God.

SEC. 20. It shall be the duty of the Colonel to select some fit place for regimental or battalion instruction and drill, within his regimental district, and shall have the power to compel the State troops composing his regiment or battalion, to assemble on the place so selected by him, at least once in every two months, for instruction and drill, and he shall have the power to order encampments of the State troops at any place within the limits of his command, for at least four consecutive days in every three months, or oftener if approved by the Brigadier General of the brigade, and the Colonel of every regiment shall have the power to call out all the commissioned and non-commissioned officers of each company of his regiment as often as he may see fit, who shall assemble at such place and at such time as he may designate, and he shall instruct such officers in regimental, battalion or company drill for not less than four hours in each day, when so assembled, and any such officer failing to attend at the time and place, when notified thereof, and failing to perform such duty as may be required of him, shall be court martialed and subject to a fine in a sum of money not less than five nor more than twenty dollars, unless good and valid reason be shown for such neglect, or refusal, and any non-commissioned officer or private who shall refuse or fail to attend at the time and place designated for such regimental or battalion drill, or who shall fail to attend throughout the encampment, and perform the military duties required by the officers in command, unless excused, shall be court martialed, and liable to be fined in the sum of two dollars for each day's non-attendance, unless excused by the court, and if the judgment of the court martial shall be that the delinquent or officers failing to perform duty should be fined, the Judge Advocate shall immediately certify such fact and delinquency to the Justice of the Peace nearest the residence of the delinquent or officer failing to perform duty, and the Justice of the Peace shall thereupon

proceed as provided in section sixteen of this act, *provided*, the delinquent or officers failing to perform duty and adjudged subject to be fined, may be discharged upon the payment of such amount as may be assessed by said court martial. All fines collected or paid as herein provided, shall be paid over to the regimental Quartermaster.

SEC. 21. Every person elected Colonel, Lt. Colonel or Major under the provisions of this act, and having accepted the commission thereof, shall be compelled to serve for twelve months, unless his resignation shall be accepted by his superior officer, and in case of refusal, shall be court martialed by order of the Brigadier General, and liable to be fined in the sum of not less than twenty nor more than one hundred dollars.

SEC. 22. All elections in the military department which may hereafter be contested, shall be determined in the following manner, viz: If the election of a Brigadier General, the complainant shall make complaint and application to the Governor, who is, upon the receipt thereof, required to order a brigade court of inquiry, and when the election of a Colonel, Lt. Colonel or Major of a regiment shall be contested, complaint and application shall, in like manner, be made to the next highest officer in command, who, upon receipt thereof, shall order a separate regimental court of inquiry accordingly, if under the rank of a field officer, all complaints and applications shall be made to the commanding officer of the regiment or separate battalion where the contest exists, and the person contesting shall, in all cases, be bound to furnish satisfactory proof to the court that the person whose election is contested, did receive a number of illegal votes, which, if deducted, would give a majority to the person contesting, and if the contesting person shall fail to establish his charge, or if the charge shall be sufficiently supported in either case, the court shall report in favor of the person having the greatest number of legal votes as being duly elected, and the President of each court of inquiry, shall certify under his hand, the name or names of the person thus duly elected which certificate, if the officer shall be of the grade, of general or field officer, shall be directed and sent to the Governor; if commissioned officers of companies, the certificate shall be signed as aforesaid, and be directed and sent to the Colonel of the regiment or Lt. Colonel of the separate battalion, and by him to the Governor, who shall issue commissions in either of the above cases; and in order to provide more amply for deciding contested elections, it is hereby declared, that when the cause shall arise from any illegal proceedings of any person ordering, conducting, or judging said election, on proof thereof being made satisfactory to the court of inquiry, such election shall be declared void, and the President, by and with the authority of such court of inquiry, shall direct the proper officer to issue an order or orders for an election to fill such vacancy, which election so ordered, shall in all things be conducted in the same way as other elections, to fill vacancies in like offices, are by this act directed, and all courts of inquiry shall be constituted as is provided in this act for court martial.

SEC. 23. If any commissioned officer shall move out of the bounds of his division, brigade or regiment, separate battalion or company; or offer himself a candidate for any other military appointment, or shall be absent therefrom otherwise than on military duty, for more than twelve months at one time, his office thereby shall become vacated; and if any commissioned officer shall think himself injured by his superior officer, and shall, upon due application made to him, be refused redress, he may complain to the Brigadier General, who shall order a brigade court of inquiry, to be held under the rules and regulations prescribed by this act; if any inferior officer or private shall think himself injured by his Captain or any other superior officer in the regiment or separate battalion to which he belongs, he may complain to the commanding officer of the regiment or separate battalion, who shall order a court of inquiry, and such court shall determine the complaint agreeably to the nature of the case.

SEC. 24. When any commissioned officer shall be charged with mal-administration or neglect of duty, it shall be lawful for any commissioned officer to

exhibit to the Brigadier General of the brigade, a fair statement in writing, of the charge or charges and the facts intended to establish the same, and the Brigadier General is hereby authorized to order a brigade court martial to consist of at least five commissioned officers, who, when assembled, shall take and subscribe the oath prescribed for court martials; and the court being thus sworn, shall inquire into the nature and truth of the charge or charges, and if the officer accused shall be found guilty, he shall be liable to pay not less than ten nor more than one hundred dollars, or shall be cashiered at the discretion of the court, but no sentence of any court martial cashiering any officer, shall be final, until the same be laid before the Commander-in-Chief, and by him approved, if the officer cashiered shall pray an appeal from such decision to him, otherwise the same shall be final. Every officer to be tried by a court martial, shall have ten days notice given him of the time and place appointed for the trial, and shall be furnished with a copy of the charges exhibited against him at least ten days before the sitting of said court. In every court martial, for the trial of an officer not less than two-thirds of the number present shall agree in the sentence or judgment of said court; otherwise the person charged shall be acquitted; and when the members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission; *provided*, that no commissioned officer shall be allowed to resign his commission while under arrest.

SEC. 25. When the Brigadier Generals shall be charged with malfeasance or neglect of duty in office, it shall be lawful for any commissioned officer to exhibit to the Governor, for the time being, a fair statement of the charge or charges, with the facts intended to establish the same, who is hereby authorized to order a general court martial, to consist of at least nine members, none to be chosen under the grade of a field officer, who, when convened, shall take and subscribe the same oath prescribed for other courts martial; the said courts thus sworn, shall have power to enquire into the nature of the offence; if found guilty, he may be removed from the same; if for neglect of duty, he shall forfeit and pay a sum not to exceed one hundred dollars, at the discretion of the court martial, to be collected as in similar cases of fines, or deprived of his commission at the discretion of the court; and the President of the court martial shall give at least ten days notice of the time and place appointed for trial, and cause such witnesses as may be required by either party to be summoned by the Adjutant of the regiment in which they reside; and every person so summoned and failing to attend, or refusing to be sworn, shall be tried by the court martial, and if he be an officer, may be cashiered, or may be fined at the discretion of the court martial, not exceeding fifty dollars; if a non-commissioned officer, or private, he may be fined not exceeding twenty dollars, and, moreover, be confined under guard, or put in jail until he will give evidence.

SEC. 26. If any member of a court martial shall be challenged by the accused, he shall state the cause of his objection, which the court shall consider and determine; and if any person arraigned before a court-martial shall stand mute, refuse to plead, or answer foreign to the purpose, or if any one summoned to make his defence before a court-martial shall neglect or refuse to appear, or to send his defence in writing, sworn to before some one authorized to administer such oath, the court shall proceed to try and adjudge the case, as if he had pleaded not guilty; but in every such case the person against whom judgment may be rendered, or any one dissatisfied with such decision, shall have the right within thirty days after its publication, to appeal to the officer ordering the court, accompanying the same with an affidavit, that he could not attend the court, nor render his defence in writing to the same, or that he could not, from some cause, which shall be stated, make his defence to such court without neglect or design on his part, and that the appeal is not merely for delay.

SEC. 27. Each Judge Advocate, previous to entering on the duties of his appointment, shall take an oath to support the Constitution of the Confederate States, and of the State of Texas, and also that he will well and truly perform

the duty of Judge Advocate, according to law and the best of his skill and abilities; which oath shall be in writing, signed by the Judge Advocate, and attested by the officer who administered the same; the Judge Advocate thus sworn shall administer the following oath to the officers previous to their entering on the duties of any court martial, viz: You, and each of you, do solemnly swear, that you will well and truly enquire into the delinquencies which may appear, on returns which may be laid before you, without favor and affection, partiality or prejudice; and that you will not disclose or discover the vote or opinion of any particular member of this court, unless required to give evidence thereof in a court of justice, so help you God. It shall be the duty of the Judge Advocate to provide a book, in which he shall record the proceedings of the court martial, which are or shall be required by law, and, for his services, be allowed the sum of three dollars per day for attending regimental or battalion courts-martial, which it shall be his duty to attend, to be paid out of the fines arising under this act. If from any cause, a Judge Advocate should fail to attend a court-martial, as provided in this act, it shall be the duty of the officers present to appoint a Judge Advocate for the time being; and in case of his death, resignation or removal out of the county, or from his office, the journals and proceedings shall be kept by the Colonel or commanding officer until a Judge Advocate shall be appointed in his stead. He shall make a faithful record of the proceedings of such court, which, after being read over in their hearing, shall be signed by the President and himself, and transmitted to the officer ordering the court, and no such sentence shall be executed until approved by such officer; if any officer ordering a court-martial shall be promoted, resign, die, or vacate his position by removal or by any other way, before the sentence shall have been executed, the proceedings of such court-martial shall be transmitted to his successor in command, who shall have the same power in regard to such proceedings as if he had originally ordered the court.

SEC. 28. No officer or private, ordered or directed by this act to appear as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person is directed to appear, or in any reasonable time in going to, continuing at or returning from the same; and every such arrest is hereby declared void.

SEC. 29. The Governor shall appoint one Adjutant and Inspector-General, with the rank of Colonel of cavalry, with the advice and consent of the Senate, who shall be liable to be removed by the Governor, who shall receive a salary of two thousand dollars, and shall give bond and security for the faithful performance of the duties of his office in the sum of five thousand dollars, to be approved by the Governor. He shall keep a Military Bureau in the city of Austin, in which he shall keep a true record of the number and rank of each brigade and regiment in the State; he shall procure a record, annually, of the strength, arms and equipments of the State troops, the names, ranks and dates of commissions of all the Generals and field officers; shall record all military orders received by him, and generally all matters which relate to his office or the State troops, and which, in his opinion, may be necessary to enable him to exhibit the true strength, character and condition of the military force of the State; he shall once a year visit and inspect the arsenals and magazines in the State, and report to the Governor their condition, the number, kind and condition of arms, equipments and public stores in each, the number and description of public arms and equipments distributed to the State troops each year, and the condition and disposition of such distribution; and all Quartermasters and other officers having charge of other departments shall, when required, make full reports to him of the different matters committed to their charge. He shall distribute all orders from the Governor to the several corps, and obey all orders from him, furnish blank forms of different returns that may be required, and explain the principles on which they should be made; he shall make a return of the State troops, with their arms, ammunition and accoutrements, whenever required by law, to the President of the Confederate States, and shall be charged with all correspondence on military affairs; he shall also be Quartermaster and Commissary-General, and his duties shall

be to collect and take charge of all public property belonging to the military of this State, or for military uses, which have not been regularly issued by the State, and his general duties shall be similar to the duties of the Quartermaster and Commissary-General of the Confederate States. In addition to said duties, he shall perform the duties of Ordnance officer, and he shall have power to appoint one Assistant Quartermaster-General, with the rank of Captain, who shall receive a salary of twelve hundred dollars per annum, and by and with the consent of the Governor shall, whenever the business of his office requires, employ one or more clerks, at a salary not to exceed seventy-five dollars per month.

SEC. 30. The Governor shall appoint one Aid-de-Camp in each Congressional District in this State, with the rank of Colonel.

SEC. 31. Every commissioned officer shall be furnished with one copy of this Act, at the expense of the State; and every officer shall, when he goes out of office, deliver to his successor in office all books and forms furnished him by the State, or received from his predecessor in office, and also all books and papers, in his possession, belonging to his division, brigade, regiment, battalion or company; and every officer who shall neglect or refuse so to do, shall be fined twenty dollars per month for every month he shall so neglect or refuse, after a demand thereof has been made by his successor, to be recovered before any Justice of the Peace having jurisdiction thereof.

SEC. 32. Each regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife, or two bugles, to be paid for out of any moneys arising from fines, or appropriated in any manner as a regimental or company fund.

SEC. 33. The Governor shall have power and authority to grant a furlough or exemption from duty to any officer or private of the State troops of this State for such time as to him shall seem reasonable. A Brigadier-General shall have power to grant a furlough to any officer of his brigade for a time not exceeding three months in any one year. A Colonel shall have power to grant a furlough to any officer of his regiment for a time not exceeding one month in any one year; but no furlough shall be granted without good and sufficient cause.

SEC. 34. During any invasion, insurrection or rebellion, whenever in the opinion of the Governor the interest of the State demands that the State troops be called into the field, or whenever the President of the Confederate States shall call upon the Governor of this State to furnish an additional amount of soldiers for the prosecution of the present war, the Governor shall issue his proclamation for any designated number of volunteers to take the field; and should the number offering be insufficient to meet the demand, the Governor shall, in that event, direct such Brigadier-Generals as he may see fit, to order a draft, as is herein provided, to wit: the Captain or commanding officer of such companies as are ordered out, shall cause the names of all persons enrolled in the muster-roll of such company (officers excepted) to be written down on small pieces of paper, which shall be folded up and put in a hat, and shaken together, and the clerk or sergeant of said company shall draw out of the hat the names of so many persons as will not exceed three-fourth part of said company, and the persons whose names shall be so drawn shall be obliged to march according to such orders as shall be given by the Governor or officer in command, but no officer of any company shall be excused from marching with the company, unless by permission of the Governor or officer in command.

SEC. 35. If any person whose name is drawn as aforesaid and is thereby obliged to march out of his county, district or State, can provide an able-bodied white man who shall be approved by a majority of the commissioned officers of the company to which such person belongs, armed and equipped according to order, every such person shall be permitted and at liberty to do so, and upon producing such able-bodied man in his stead, he shall be excused from marching in person.

SEC. 36. The State troops when called out by the Governor and placed into actual service, shall have the same pay and rations, and be governed by the same rules and regulations as soldiers of the army of the Confederate States, and all offences committed by any officer, non-commissioned officer or private of the State troops, against said rules and regulations, shall be tried and determined by a court-martial, composed of officers of the State troops, but it shall be in the power of the Governor to mitigate, pardon or cancel the finding of any such court-martial.

SEC. 37. All volunteer companies of this State, organized under an act, approved February 15th, 1858, are hereby incorporated into and shall form a part of, and be attached to the regiment of the State troops within their respective brigade, and shall turn out and perform duty with the same upon all battalion, regimental or brigade drills, parades or encampments, and whenever any such volunteer company shall be called into active service by the Governor of the State, or ordered out by the Brigadier General, within the limits of his brigade, to suppress insurrection or repel invasion, such volunteer company shall have the privilege of going out as a whole company; but should such volunteer company refuse to march as a whole company, it shall forthwith be dissolved by order of the Governor, and when a member of any volunteer company shall refuse to obey the orders of the Brigadier General in refusing to perform duty prescribed by this act, such person shall be liable to the fines and forfeitures as persons of like grade of the State troops, to be collected as is herein provided.

SEC. 38. When any volunteer company shall be dissolved, each member thereof shall forthwith enroll himself in the beat company in which he resides, or shall become a member of some other volunteer company; and every person that shall neglect or refuse to do so, shall be enrolled by the sergeant, clerk or enrolling officer of the beat company, who shall perform all military service required of him under such penalties as are prescribed by this act in such cases made and provided.

SEC. 39. All returns required of State troops shall also be required of all volunteer companies, and every volunteer company, organized, or which may be hereafter organized, shall report such organization to the Adjutant General, and any company of men banding themselves together as a military company, bearing arms, who shall fail to report themselves to the Adjutant General for organization as is required by law, within two months after the passage of this act, each officer and member thereof shall be deemed guilty of a misdemeanor, and liable to indictment and fine, to be recovered in the District Court, in a sum of not less than twenty-five nor more than one hundred dollars for any such violation, except such troops as are now authorized to be organized by the Confederate Government.

SEC. 40. The Governor shall have the power to cancel the commission of any Brigadier General appointed under the militia act of February, 14th, 1860, and such Brigadier Generals as may be retained by the Governor, shall be immediately notified of the same through the office of the Adjutant General.

SEC. 41. The system of discipline and exercise which is and shall be ordered to be observed by the regular army of the Confederate States, shall be observed by the troops of this State, and the commanding officers of the several brigades shall cause the troops within their respective commands to be disciplined and trained conformably thereto in all things not otherwise directed by this act; and in all cases not specially provided for by this act, such provisions of law as have been or may be made by Congress for the government and direction of the army of the Confederate States in similar cases, shall be binding upon and be observed and conformed to by the troops of this State, and the forms and rules of proceedings of all courts-martial, not provided for in this act, shall be such as are established by the rules and articles of war adopted and used in the military service of the Confederate States.

SEC. 42. In all cases of fines imposed by this act, unprovided for after the court-martial shall have heard the cause and are of the opinion that the party or parties charged are guilty, and subject to a fine as imposed by this act, the presiding officer of the court shall certify the same to the Justice of the Peace

nearest the party charged, who shall in all such cases proceed as directed in the sixteenth section of this act.

SEC. 43. All persons raising or organizing troops in this State under the authority of the Confederate States, shall, before the removal of said troops from this State, file in the office of the Adjutant General, a complete muster roll of said troops.

SEC. 44. The sum of one thousand dollars, or so much thereof as is necessary, is hereby appropriated out of any unappropriated funds in the Treasury, for the purpose of purchasing forms, books, &c., necessary to carry this act into effect, and that an act entitled an act to organize the militia of the State of Texas, approved February 14th, 1860, be and the same is hereby repealed, and that this act take effect and be in force from and after its passage.

Approved, December 25th, 1861.

## CHAPTER XXI.

### *AN ACT to protect the wool growing interests of Texas.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That it shall be unlawful for any person or persons owning sheep infected with the disease known as the scab, to allow said sheep to run at large, or in charge of a shepherd or other person, beyond the limits of his or her own land, or the land which he or she may occupy under lease.

SEC. 2. That any person or persons who shall offend against the provisions of the 1st Section of this Act, shall be liable on conviction in damages to any person who shall suffer injury by disease to his or her property in consequence thereof.

SEC. 3. That it shall be unlawful for any person or persons to drive sheep infected with the scab, from any other State, or from the Republic of Mexico, into this State, or from one part of the State to another part thereof.

SEC. 4. That any person or persons who shall offend against the provisions of the third section of this act shall be liable on conviction thereof to a fine of not less than fifty dollars nor more than one hundred dollars, and also in damages to any person who shall suffer injury to his or her property in consequence thereof, and that the sheep so driven shall be subject to attachment, to secure the fine or damages, as in cases where the demand is liquidated.

SEC. 5. All fines collected under the provisions of this act shall be paid into the County Treasury and be used for county purposes.

SEC. 6. That this act take effect and be in force from and after its passage.

Approved December 28th, 1861.

## CHAPTER XXII.

### *AN ACT to authorize the Governor to appoint Commissioners of Deeds, &c., in the Choctaw, Chickasaw, Cherokee and Creek Nations of Indians on the northern border of Texas.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State of Texas is hereby authorized to appoint a suitable number of discreet persons in the Choctaw, Chickasaw, Cherokee and Creek Nations of Indians, not to exceed four in each Nation, Commissioners of Deeds, &c., and said Commissioners shall have power and authority to take acknowledgments of all deeds, transfers or conveyances of all kinds of property situated in this State; also, to take the acknowledgment of married women as required by the laws of this State, and to take depositions under commissions issued under the laws of this State.

SEC. 2. That the official acts of any Commissioner appointed under this act, and certified under the hand and seal of said Commissioner, which certificate shall be annexed to such instrument in proof of the official acts of such officers, shall have the same effect, and shall be as valid as if such acts had been done in this State as now required by law.

SEC. 3. Every Commissioner appointed by virtue of this act shall have full power and authority to administer an oath or affirmation to any person who shall be willing or desirous to make such oath or affirmation before him, and such affidavit or affirmation made before such Commissioner shall be as valid and effectual to all intents and purposes, as if taken by any officer in this State competent to take the same.

SEC. 4. Every Commissioner appointed under this act, before he shall proceed to perform any official act under and by virtue of this act, shall take and subscribe an oath or affirmation before some clerk of the court of record in the States of Texas or Arkansas, well and faithfully to execute and perform all the duties of such Commissioner, under and by virtue of this act and the laws of this State. Which oath or affirmation, certified to by the clerk, under his hand and seal of office, shall be filed in the office of Secretary of this State.

SEC. 5. Every Commissioner under this act, shall provide for himself a seal with a star of five points in the centre, and the words "Commissioner of the State of Texas" engraved thereon, which seal shall be used to certify all the official acts of such Commissioner, and without the impress of said seal upon any instrument, or to certify any act of such Commissioner, said act shall have no validity in this State.

SEC. 6. This act shall take effect, and be in force, from and after its passage.

Approved December 31st, 1861.

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### CHAPTER XXIII.

*AN ACT to authorize the Supreme Court of the State to hold its sessions during the present war, at some other place than the city of Galveston.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That during the existence of the present war, the sessions of the Supreme Court of the State, for the Galveston District, may be held at such other safe and convenient place within said district, as the Judges thereof may select and designate.*

SEC. 2. That it shall be the duty of the Chief Justice or presiding Judge of said court to publish a notice, in at least two newspapers of general circulation within said district, for three consecutive weeks, designating the place selected for holding the session of said court.

SEC. 3. That the Judges of said court are hereby authorized to have the Records and Library appertaining to the Supreme Court of said Galveston district, removed from the City of Galveston to such place as may be selected by them for holding the session of said court.

SEC. 4. That this act shall take effect and be in force from and after its passage.

Approved, December 31st, 1861.

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### CHAPTER XXIV.

*AN ACT to amend the 1st and 11th sections of An Act to authorize the sale of the Public Domain, approved February 11th, 1858.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act shall hereafter read as follows: That the Commissioner of the General Land Office is authorized to issue land scrip in certificates of not less than one hundred and sixty acres (except in the cases herein provided,) which certificates may be sold at the price of fifty-five cents per acre, shall issue in the name of the purchaser, and may be located upon any vacant unappropriated public domain, not being set apart, held in reservation, or the location of which is prohibited by law.*

SEC. 2. That the 11th section of said act shall hereafter read as follows: That the proceeds from the lands sold under the provisions of the first section of this act shall be added to the State revenue; provided that all Treasury



Warrants that have been or may hereafter be issued, shall be receivable in payment for certificates issued under the provisions of this act until otherwise provided.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved, January 1st, 1862.

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#### CHAPTER XXV.

*AN ACT to amend the 110th section of An Act, entitled "An Act to regulate proceedings in the County Court pertaining to the Estates of Deceased Persons," passed March 20th, 1848.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That from after the passage of this act, the 110th section of the above recited act shall read as follows :

Any person capable of making a will, may so provide by his or her will, that no other action shall be had in the county court in relation to the settlement of his or her estate, than the probating and registration of his or her will, and the return of an inventory of the estate; and in all such cases, any person having a debt or claim against said estate, may enforce the payment of the same, by suit against the executor of said will; and, when judgment is recovered against such executor, the execution shall run against the estate of such testator in the hands of such executor; provided that no such executor shall be required to plead to any suit brought against him for money, until the expiration of twelve months from the date of the probate of such will. But in cases where no bond and security has been required of such executor, at the time of the probate of such will, any person having a debt against said estate, or any person having an interest therein, whether in person or as representative of another, may by complaint in writing, filed in the court where such will was probated, cause such executor to be cited to appear before such court, at some regular term, and on making it appear to the satisfaction of said court, that such executor is wasting said estate, and that thereby said creditor will probably lose his debt, or such other person his or her interest in the estate, he may have an order of said court ordering such executor, to give bond with two or more good and sufficient sureties, for an amount equal to double the full value of such estate, to be approved by, and payable to the Chief Justice of the county; conditioned, that said executor will well and truly administer such estate, and that he will not waste or mismanage the same; which bond may be recovered upon as other bonds given by executors and administrators; and should such executor fail to give such bond, within ten days after the order requiring him so to do, then it shall be the duty of such Chief Justice to remove him from the administration of such estate, and appoint some competent person in his stead, whose duty it shall be to administer said estate according to the terms of such will; and who, before he enters upon the administration of said estate, shall be required to give bond with two or more good and sufficient sureties, in double the amount of the value of said estate; conditioned, payable, and recoverable upon as the bond required of such executor.

Approved, January 1st, 1862.

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#### CHAPTER XXVI.

*AN ACT authorizing the County Courts of the several counties in this State to levy and collect a special tax for war purposes on all property subject to taxation by the State.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the County Courts of the several counties in this State, shall have power to levy and cause the assessment and collection of a special, direct *ad valorem* tax on all property subject to taxation by the State, of not exceeding twenty-five cents

on each one hundred dollars in value of property, which tax shall be called a war tax and the same shall be assessed and collected by the Assessors and Collectors of the various counties in the same manner and at the same time as is now or may hereafter be provided by law for the assessment and collection of the State Tax.

SEC. 2. That the tax collected under the provisions of this act, shall be appropriated and disbursed by the several County Courts, or under their authority, to the payment of liabilities which have been or may hereafter be incurred by the County Courts, or by their authority, for the support and maintenance of the war now existing between the Confederate States of America and the United States; for matters strictly appertaining to the military and naval defence of this State and of the Confederate States; for the support of destitute families of persons who are now or may hereafter be regularly enlisted in the army or navy in the service of this State or of the Confederate States, subject to the discretion of the County Courts; and in the discretion of the County Courts for the re-imbusement to the several County Treasuries, of any money which such County Courts may have appropriated, drawn, and expended from the County Treasurer for the support of the objects indicated in this act, and which money belonged to any general or special fund of said county.

SEC. 3. The levy of the tax herein provided for shall be made by the County Courts at some one of the regular terms thereof, and in like manner as is or may be provided by law for the levy of county taxes; and within ten days after the levy of such tax by any County Court, it shall be the duty of such Court to report to the Comptroller of Public Accounts, by certificate, under the seal of the county, the rate of taxation so levied by such Court, and on the receipt of such report by the Comptroller, it shall be his duty to notify the Assessor and Collector of each county in the State, of the rate of taxation so levied by each of the several counties so reported to him, and the County Courts of each county shall keep a regular account of the receipts and disbursements under the provisions of this act, with proper vouchers for the disbursements, and shall report the same semi-annually to the Comptroller of Public Accounts, duly certified under the seal of the county.

SEC. 4. Within twenty days after the levy of a tax by any County Court under the provisions of this act, it shall be the duty of the Assessor and Collector of taxes, of such county, to give a bond payable to the Chief Justice of the county and his successors in office, in a sum not less than double the probable amount of the tax to be assessed in the county under this act, for one year, with at least three good and sufficient securities, to be approved by the County Courts; which bond shall be deposited and recorded in the County Clerk's office of the county, said bond shall be deemed to extend to the faithful performance of the duties of his office as Assessor and Collector, in assessing, collecting and properly paying over the tax levied by the County Court for the year, and shall not become void upon the first recovery, but suit may be maintained thereon until the whole amount thereof be recovered; and should any Assessor and Collector fail or refuse to give bond within the time as herein required, or should he fail to give new bond and additional securities when required by the County Court, as may be done by such Court when deemed to be advisable, such Assessor and Collector shall be suspended and dismissed from office by the County Court of his county. The Assessors and Collectors of taxes shall be allowed, as compensation for their services in assessing and collecting the tax provided for by this act, one-half the rate percent. of commissions allowed by law to such Assessors and Collectors, for assessing and collecting the State tax, and each Assessor and Collector shall immediately pay to the Treasurer of his county all money collected by him under the provisions of this act, in the same kind of funds as received by him or in specie. And that the County Treasurer of each county levying a tax, under the provisions of this act, shall, annually, execute a bond payable to the Chief Justice of such county, and his successors in office, in a sum not less than double the amount of the tax assessed under this act, with at least three good and sufficient sureties to be approved by the County Court, which bond shall be deemed to extend to the faithful performance of his duties.

as Treasurer, in receiving and disbursing all moneys that may be placed in his hands under the provisions of this act.

SEC. 5. It shall be the duty of the Governor to use all proper means to collect from the Confederate States the amount of tax collected and disbursed under and in accordance with the provisions of this act, except so much thereof as may be disbursed for the support of destitute families as provided in the second section, and all amounts of money which may be collected of the Confederate States under the provisions of this act shall be paid over to the counties by which it was originally collected, and if not sufficient to pay such counties in full, then the amounts received from the Confederate States shall be paid over to said counties *pro rata* upon the amounts collected and disbursed by them severally as aforesaid.

SEC. 6. This act shall be in force from and after its passage.

Approved January 1st, 1862.

## CHAPTER XXVII.

*AN ACT to require the Financial Agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That hereafter, it shall be the duty of the Financial Agent of the State Penitentiary to submit his accounts, quarterly to the State Comptroller, for adjustment and audit; the quarters to end on the last days of November, February, May and August.

SEC. 2. The said returns shall embrace a full exhibit of all the financial operations of the Penitentiary, showing in detail, the receipts from all sources, setting forth the source from whence derived, and the disbursements and on what account made, and shall follow the instructions of the Comptroller, in adopting such a system of accounts, as he may direct.

SEC. 3. No money shall be drawn on requisition from the State Treasury, on account of the support of the Penitentiary, or for the transportation of convicts thereto, until and such sums as may have been previously drawn, shall have been accounted for.

SEC. 4. That such portion of the first section of an act passed February 16th, 1852, entitled "An Act supplementary to an Act to establish a State Penitentiary," as conflicts with this act be, and is hereby repealed.

SEC. 5. This act shall take effect from its passage.

Approved January 2d, 1862.

## CHAPTER XXVIII.

*AN ACT providing for the transfer of all suits and matters in the late District Courts of the United States of America in this State on and previous to the second day of March A. D., 1861, which are not cognizable in the Courts of the Confederate States of America, under the provisions of the permanent Constitution of said Confederate States, to the appropriate Courts of this State, and providing for the final determination or disposition of the same.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That all the papers and proceedings of the late District Courts of the United States of America in Texas, appertaining to suits in said courts in which judgments or decrees had been rendered prior to the second day of March A. D., 1861, which judgments or decrees had not been fully executed or satisfied prior to said date, in suits that are not cognizable in the courts of the Confederate States of America under the permanent Constitution of said Confederate States, shall be transferred, and are hereby ordered to be delivered over to the District Court of the State of Texas in the county in which such United States Courts were, under the laws of said United States, prior to the aforesaid date, held; that is to say: Those of the United States Court at Austin to the District Court of Travis County—Those of the United States Court at Tyler to the District Court of Smith County—Those of the United States Court at Gal-

veston to the District Court of Galveston County—Those of the United States Court at Brownsville to the District Court of Cameron County. Such papers and proceedings in each suit shall be accompanied in their transfer by complete transcripts of all the proceedings, orders, judgments, and decrees of said United States Court in such suit, certified by the Clerk of the Court of the Confederate States having the custody of the records and papers of said United States Courts, under the seal of such Court of the Confederate States. And said transcripts, papers and proceedings, when so transferred and filed in said District Courts of this State, shall thereafter form and remain a part of the records, papers and proceedings of said District Courts, and may be certified therefrom in the same manner and with the same force and effect as though the same had originated in said Courts, and were original records, papers and proceedings thereof. And after such transfers are made in each case, all proper orders shall be made and proceedings had by and process issued from such District Courts of this State as may be necessary or proper to perfect the rights of the parties in such suits.

SEC. 2. That all suits which were pending in the said United States Courts in Texas on the second day of March A. D., 1861, that are not cognizable in the courts of the Confederate States of America under the permanent Constitution of said Confederate States, shall be transferred to the proper District Courts of this State, which courts shall have full and complete jurisdiction of the same, and proceed to trial and judgment therein according to law, in the same manner as though such suits had originally been commenced in such District Court. Each suit in its transfer shall be accompanied by a transcript of all the orders and proceedings made or had in said United States Courts previous to said second day of March A. D., 1861, in such suit, certified by the Clerk of the Court of the Confederate States having the custody of the records and papers of said United States Courts, under the seal of such Court of the Confederate States; which transcripts shall be respected by and have the same force and effect in said District Courts of this State as if the proceedings therein recited had been had by or in such District Court. The courts to which such transfers shall be made, shall be as follows, to-wit:

1st. To any District Court to which both parties, plaintiff and defendant, or their attorneys of record in the cause in the United States Court, shall agree in writing to transfer the same, such writing to be filed with and form a part of the record of the cause.

2d. If no agreement is made, then the transfer shall be made to such District Court as would have been entitled to jurisdiction of the suit had it been originally commenced in the courts of this State; *provided*, That if there be two or more defendants residing in different counties, or if there be other cause which would give jurisdiction to the courts of more than one of said counties, the plaintiff or his attorney shall have the right to select the county to which he will make the transfer; *provided further*, That in the last named case notice shall be given to the defendants or their attorney of record of the county to which such transfer is made.

SEC. 3. That all writs of error or appeals in causes which may have been pending in the Supreme Court of the United States from any of the United States Courts in Texas, or which may have been taken from said courts in Texas previous to the second day of March, A. D., 1861, and were then undetermined, have ceased to have any force or effect whatever, and no decision made thereon, after said date, by said Supreme Court in any such cause, shall be of any effect or force, or in any manner affect rights of persons or property in this State; but the plaintiffs in error or appellants, as the case may be, in all such causes as are not cognizable in the courts of the Confederate States under the provisions of the permanent Constitution of the Confederate States, shall have the right to procure a transcript of the record in such cause from the Court of the Confederate States having the custody of the records of said United States Courts, or from said Supreme Court of the United States, or as may be agreed upon by both parties or their counsel, and file the same in the proper branch of the Supreme Court of this State, which court shall have full

power and jurisdiction, and shall thereupon proceed to hear and determine the same, and shall certify their mandate to the District Court of the county into which the original cause and the proceedings therein might have been transferred under the provisions of this act had no final judgment been rendered therein previous to the said second day of March, A. D., 1861; and such District Court shall thereupon proceed upon such mandate the same as though such cause had originated in said Court. And in every case so removed from said United States Courts in Texas to said Supreme Court of the United States, and which may be removed to the Supreme Court of this State, as herein provided, the Supreme Court of this State shall proceed to hear and determine such cause in like manner as the said Supreme Court of the United States, acting under the laws of said United States, would have done had such cause remained in and been determined by said Supreme Court of the United States. In every case which may have been finally determined in said United States Courts in Texas within five years previous to the taking effect of this act, and which was not removed from said courts by appeal or writ of error under the laws of the United States to the Supreme Court of the United States, where the amount of value in controversy in the cause was sufficient to give said Supreme Court jurisdiction thereof on error or appeal, the parties to such cause who may be aggrieved by the decision therein may at any time within two years after the taking effect of this act, remove the same *by writ of error* from the District Court to which it may be transferred under the provisions of the second section of this act, to the Supreme Court of this State for revision and determination; such writ of error to be sued out and removal made under the provisions of the laws of this State regulating like proceedings in causes originating in the courts of this State; and the cause to be acted upon and determined by said Supreme Court under the like rules and regulations as in this section is provided in relation to causes removed from said United States Courts in Texas to the Supreme Court of the United States prior to said second day of March, A. D., 1861, and which may be taken to the Supreme Court of this State as herein provided.

SEC. 4. All costs properly taxable under the laws of the United States in any cause which may be transferred from any of the United States Courts to any court of this State under the provisions of this act, and which may have accrued prior to the taking effect of this act, shall be taxed in such causes in the courts of this State to which they may be transferred, and may be enforced and collected for the benefit of the parties entitled to the same, in like manner as costs accruing in causes originating in the courts of this State.

SEC. 5. This act shall take effect and be in force from the 22d day of February, 1862.

Approved January 3d, 1862.

#### CHAPTER XXIX.

##### *AN ACT to define the boundaries of Live Oak County.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the county of Live Oak shall hereafter be bounded as follows, to wit: Beginning at the West corner of San Patricio county, on the Nueces river, thence with the lines of San Patricio, Bee, Karnes and Atascosa counties, to the North-east corner of La Salle county, thence due South with the line of La Salle county, to the Nueces river, and thence down said river with its meanders to the place of beginning.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved, January 3, 1862.

#### CHAPTER XXX.

##### *AN ACT to define the boundaries and provide for the organization of McMullen County.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That here-

after McMullen county shall be bounded as follows, to wit: Beginning at the North-east corner of a survey in the name of Vicenta Lopez Herrera, generally known as the [O'Farrall tract, on the right margin of the Nueces river, thence due West to the intersection of the East boundary of Encinal county, thence North with the said line to the Nueces river, and thence down said river, with the meanders thereof, to the place of beginning.

SEC. 2. That the following named persons be and they are hereby appointed commissioners to organize said county of McMullen, and to locate the county seat thereof, to wit: E. E. Curtis, Putnam Shipp, Thomas A. Dwyer, C. C. Cox and John W. Pope. The commissioners aforesaid, or any three or more of them shall, within three months after the passage of this act, lay off the said county of McMullen into suitable election precincts, in accordance with law, and shall, within the said three months, order an election for county officers, to wit: a Chief Justice, four County Commissioners, a County and District Clerk, a Sheriff, a Coroner, a County Surveyor, Assessor and Collector, two Justices of the Peace and a Constable in each election precinct; which election shall be advertised at three or more public places, in said county, stating the time and places, which places shall be in the different precincts laid off by the Commissioners, as herein before provided, and in accordance with an act to provide for organizing new counties, approved March 30, 1848; and any one of the Commissioners aforesaid shall qualify the person elected to the office of Chief Justice of said county, who, when qualified, shall qualify the other officers elected for said county.

SEC. 3. It shall be the duty of said Commissioners to proceed as early as practicable after laying off election precincts, to locate the county seat of said county, by selecting at least three eligible sites, having due respect to any donation of land that may be made for that purpose, as well as convenience for wood and water; and when so selected, the Commissioners aforesaid shall order an election, which shall be conducted in all respects as elections for county officers, and if at the first election neither of the localities so selected shall receive a majority of all the votes cast, the place receiving the smallest number shall be thrown out, and the Commissioners shall order another election as before, at which election the place receiving a majority of all the votes cast shall be declared to be the county seat of McMullen county, and shall be named "SYDNEY."

SEC. 4. That all free white male citizens over the age of twenty-one years, who have resided twelve months within the State, and sixty days within said county prior to said election, shall be entitled to vote for the location of the county seat.

SEC. 5. That in case the site which shall be declared to be the county seat of said county shall be vacant and unappropriated domain, then the State hereby donates to the county of McMullen all her right and title to three hundred and twenty acres of the same; and the Commissioner of the General Land Office is hereby authorized to issue a patent in the name of the said county for the said three hundred and twenty acres, upon a return of the plat and field notes of the same, duly certified, to the General Land Office. And the county court of said county shall have power to purchase, if necessary, land not to exceed three hundred and twenty acres, for the use of said county, should the site selected as above provided prove to be appropriated land; and the said county court shall lay off the site so selected into suitable lots, and after selecting and setting apart such lots as may be necessary for a courthouse, jail, churches, school-houses and burial grounds, they shall proceed to sell the remainder, or such portions thereof as they may deem necessary, at public auction, at such time and upon such terms as will most conduce to the interests of the county; and shall apply the proceeds thereof to the erection of necessary public buildings for the use of said county.

SEC. 6. That the district courts in and for said county shall be held at a building known as the Cassa Blanca Church, situated on the Penitas Creek, until a suitable building shall be erected for that purpose at the county seat of said county.

SEC. 7. That the county of McMullen with its boundaries, as defined by this act, be and the same are hereby attached to the 76th Representative District, composed of the counties of Nueces, Webb, Encinal and Duval, until another apportionment shall be made.

SEC. 8. That all laws or parts of laws conflicting with the provisions of this act be and the same are hereby repealed, and this act take effect and be in force from and after its passage.

Approved January 3d, 1862.

#### CHAPTER XXXI.

*AN ACT, appropriating money to defray all expenses necessary to secure and transport clothing and other contributions to Texas volunteers, and employ an agent therefor.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor be required to employ some suitable person or persons to secure and transport all clothing, or other contributions to Texas volunteers, now or hereafter detained on the route of their destination, and deliver the same to the proper command.

SEC. 2. That the sum of five thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any specie now in the Treasury, belonging to the School Fund, to carry into effect the provisions of this act; provided, the amount used shall be returned to the School Fund by the Treasurer, from the first money paid into the Treasury belonging to the general revenue of the State; and that this act be in force from and after passage.

Approved, January 6th, 1862.

#### CHAPTER XXXII.

*AN ACT to provide for auditing and settling all claims against the State on account of Volunteer Companies called out by the Governor or Committee of Safety, and for the defence of the State, and providing payment for the officers and men thereof.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Comptroller of Public Accounts be and he is hereby authorized and required to audit and settle the claims of the officers and privates of all volunteer companies ordered out by the Governor or Committee of Safety, acting by authority of the People's Convention, for and during the term of service actually rendered the State according to the rules and regulations of the Confederate States for the government of the army thereof, upon the return of the muster-roll of each company to the Comptroller, duly authenticated; and also to audit and allow all claims and accounts brought against the State by any individual for Quartermaster or Commissary supplies, for munitions of war, for the construction of fortifications and all defences, and moneys advanced for the same; and for moneys or supplies advanced for and used by any of said troops; provided all such claims and accounts are authenticated and approved by the Acting Quartermaster or Commissary of the regiment, battalion or company; and in every case where any supplies or articles necessary to the efficiency of the command shall have been purchased by any Colonel or Lieutenant Colonel of a regiment, or Captain of a company, and not certified to by the Acting Quartermaster or Commissary, said Colonel or Lieut. Colonel or Captain shall certify under oath, that the charges are just, and that such articles were purchased at the price mentioned, and were used for the benefit of such command, provided such articles are consistent with the usage and regulations of the army with reference to the nature of the service.

SEC. 2. In all cases provided for under the first section of this act, the Comptroller shall draw his warrant upon the Treasurer in favor of any party whose claim or account shall have been so audited or allowed, provided in all

cases the Comptroller shall have the power to examine the accounts, and allow only such as are fully authenticated by proper vouchers, and to reduce extravagant charges to a reasonable amount; provided that this act shall not be so construed as to allow the payment of expenses at the camps of instruction, or any troops not called into actual service.

SEC. 3. That the Comptroller shall keep a separate register of all claims presented under this act, and properly chargeable to the Government of the Confederate States, and arrange the vouchers and accounts as directed by the laws of said Government for presentation thereto.

SEC. 4. *Be it further enacted*, That the sum of three hundred thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to carry out the provisions of this act.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved January 4th, 1862.

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### CHAPTER XXXIII.

*AN ACT to make an appropriation for the payment of Commissioners sent by the Convention to the Choctaws, Cherokees and other friendly tribes of Indians, and to Arizona and New Mexico.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the sum of two thousand dollars, or as much thereof as may be necessary, be and is hereby appropriated to pay James E. Harrison, James Bourland, Charles C. Hamilton, P. T. Herbert and Simeon Hart, Commissioners sent by the Convention to the Choctaw, Cherokee, Creek, Chickasaw and Seminole Indians, and to Arizona and New Mexico.

SEC. 2. *Be it further enacted*, That the Commissioners above mentioned shall be entitled to receive five dollars per day, for every day they may have been employed in the performance of their duty, and all extraordinary expenses they may have incurred; and that the Comptroller of the State shall draw his warrants in favor of said persons, on the Treasurer, and the Treasurer shall pay the same.

SEC. 3. This act take effect and be in force from and after its passage.

Approved January 8th, 1862.

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### CHAPTER XXXIV.

*AN ACT to authorize the County Courts to make entry of unconditional headrights which have been passed upon by the Courts, and the clerk thereof having failed to enter the same, upon such proofs as the laws required for their original issuance.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That from and after the passage of this act, it shall be lawful for the County Courts, in all cases where the said courts have heretofore passed upon, and issued unconditional headrights, and by the neglect of their clerk, or for other cause the same have not been entered and reported to the General Land Office, shall now, have such proofs as under the then existing law would have entitled the applicant to his certificate, and report the same, if genuine, to the Land Office for patent, provided the party applying has had no lands, by private relief or otherwise, from the State equivalent to the claim he may present, and that all applications shall be made to the County Courts from which the original certificate issued.

SEC. 2. That this law take effect from and after its passage.

Approved January 8th, 1862.



## CHAPTER XXXV.

*AN ACT to create a Hospital Fund to be expended for the benefit of the sick and wounded soldiers of the State of Texas, in the Confederate army.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated as a Hospital Fund, which sum may be drawn from the Treasury upon the warrant of the Comptroller countersigned by the Governor.*

SEC. 2. The Governor may at his discretion appoint some suitable person or persons as agent or agents, for the distribution and application of this fund in such manner as will best promote the object of this act; such agent or agents when appointed, before entering upon the duties of his or their agency, shall be required to execute a bond, with two or more good and sufficient securities, payable to the State of Texas, to be approved by the Governor, in such amount as the Governor may prescribe, conditioned that he or they will well and faithfully apply and expend all money which may come into his or their hands, for the benefit of the sick and wounded soldiers of the State of Texas, in the Confederate Army; which said bond the Governor shall file with the Comptroller.

SEC. 3. There shall not be placed in the hands of said agent or agents, at any time, a greater sum than the amount of the penalty in the bond executed by him or them, and approved by the Governor.

SEC. 4. The agents appointed as aforesaid may receive a reasonable compensation for their services, out of the fund herein appropriated, which shall be fixed by the Governor, not to exceed fifty dollars per month, with all necessary and reasonable expenses; and they shall at all times be subject to the direction and supervision of the Governor in the discharge of their duties; *provided*, That the Governor is hereby authorized to appoint any suitable person who may offer his services, with no further charge upon the fund hereby appropriated than his necessary expenses.

SEC. 5. That the agents appointed under the provisions of this act, shall keep a regular account of the money received and expended by them for the sick and wounded, and make monthly reports of the same, under oath, to the Comptroller of the State, setting forth the name of the person relieved, his place of residence when at home, and the company to which he belongs; said reports when approved by the Governor and Comptroller, shall be filed in the Comptroller's Office, and stand to the credit of such person entitled thereto.

SEC. 6. The Governor may donate such amount as may in his opinion be just and proper, out of the appropriation provided for in this act, to State or private hospitals that have heretofore received and treated Texas soldiers.

SEC. 7. The Governor shall have power to dismiss such agent or agents at his option, and it shall be his duty to do so whenever in his opinion their services are no longer necessary, or whenever he shall be satisfactorily informed that such agent or agents have been guilty of misfeasance or malfeasance in the discharge of their duties.

SEC. 8. That this act take effect and be in force from and after its passage.

Approved January 8th, 1862.

## CHAPTER XXXVI.

*AN ACT to regulate the Fees for Swimming Cattle at Ferris.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the County Courts shall not authorize a charge of more than one cent per head on cattle or horses, swimming rivers at licensed ferris, including the use of pens and boats necessary for the control of such stock.*

SEC. 2. That all laws, and parts of laws, so far as they conflict with the provisions of this act, are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved, January 9th, 1862.

### CHAPTER XXXVII.

*AN ACT supplemental to and amendatory of An Act entitled "An Act to provide for the transportation of clothes and other contributions to the Texas Volunteers in the Confederate Army, passed January 4th, 1862.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That before making any appointment under the provisions of the act recited in the caption, of which this is supplemental and amendatory, it shall be the duty of the Governor to require a bond of the party so appointed, with good and sufficient surety, in a sum at least double the amount of the funds entrusted to such agent, payable to the State of Texas, conditioned that such agent shall well and faithfully discharge and perform all the duties of his agency.*

SEC. 2. *Said agent shall keep a record of all moneys received by him, by virtue of his appointment, shall keep a correct register of all goods and packages by him forwarded. and all moneys paid out by him, to whom said moneys were paid, or for what purpose paid, as well as make a correct return of all moneys not expended, all of which shall be supported by proper vouchers whenever practicable.*

SEC. 3. *Each agent shall be allowed, for his services while actually engaged in the duties of his agency, the sum of fifty dollars per month, together with his traveling expenses.*

SEC. 4. *That this act take effect and be in force from and after its passage.*

Approved, January 9th, 1862.

### CHAPTER XXXVIII.

*AN ACT to create the County of Kendall.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That all of territory comprised within the following limits shall be created into a new county to be called Kendall. Beginning at the South-east corner of Gillespie county, thence West to a point on the South line of said county, from which a line running due South will cross the Guadalupe river one mile above the public square of the town of Comfort, for the North-west corner of Kendall county; thence South about twenty-five and a half miles to the North-east boundary line of Bandera county; thence with said boundary line to the head of Balcone's creek, where the West boundary line of survey No. 408, in the name of A. Gayton crosses the same; thence down with the meanders of Balcone's creek to its mouth; thence in a direct course, with the North-west boundary line of Comal county to the mouth of Curry's creek, being about fourteen miles, 45° East; thence with the next course of the North-west line of Comal county, five miles; thence in a direct course about twenty miles North, 27° West, to the place of beginning.*

SEC. 2. *That Adam Vogt be, and is hereby appointed a Commissioner to organize said new county of Kendall, and it is hereby made his duty to do the same by ordering an election for county officers, according to the general laws regulating elections; said election to be held on a day by him to be named, and due notice of the same to be given in accordance with the laws regulating elections; the said election to be held at a point, or points within the limits of said county, to be by the said Vogt named and duly published in said county; and when the returns of said election shall have been made to the said Vogt, he shall issue certificates of election to the persons elected, and shall administer the oath of office to them in due form; provided that in case of the failure to act of said Vogt, it shall be the duty of the Chief Justice of Blanco county to perform the duties herein required of him.*

SEC. 4. That so soon as the said county of Kendall has been organized as aforesaid, and the officers of the same qualified according to law—they shall enter upon the discharge of their respective offices, and all courts in and for said county shall be held at Boerne, until the county seat of said county shall be permanently located as hereinafter provided.

SEC. 4. That it shall be the duty of the county court of Kendall county to select two or more sites nearest the centre of said new county having respect for any donations of land that may be made for that purpose, as well as convenience of water, and when so selected the Chief Justice of said county shall order an election, to fix said county seat, which shall be conducted according to the general laws respecting elections for county officers; and if at the first election neither of the sites so selected, shall receive a majority of all the votes cast, then the Chief Justice shall order another election to be held for the two sites receiving the highest number of votes, and the site receiving a majority of all the votes cast at any such election, shall be declared the county seat, and the County Court shall designate the name of the same.

SEC. 5. The County Court of Kendall county may purchase, if necessary, or receive by donation, lands not exceeding three hundred and twenty acres for the use of the county, and lay off the site so selected into suitable lots, and after selecting and setting apart such suitable lots as may be necessary for a court-house, jail, clerks' offices, school-houses, and burying grounds, they shall proceed to sell the remainder or such portion thereof as they may deem necessary, at public auction, at such time and upon such terms as will most conduce to the interests of the county. And shall apply the proceeds thereof to the erection of necessary public buildings for the use of the county.

SEC. 6. That the Commissioner above named shall be entitled to three dollars *per diem* for every day that he is necessarily employed or detained in holding said elections and organizing said county of Kendall.

SEC. 7. That this act take effect from and after its passage.

Approved January 10th, 1862.

## CHAPTER XXXIX.

### *AN ACT to change the boundary lines of Blanco and Kerr counties.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That the boundary lines of Blanco county, shall hereafter be as follows:

Beginning at the South-east corner of Gillespie county, thence South 27° East to the West line of Comal county; thence following the West line of Comal county to the South line of Hays county; thence in a direct course across the Perdinalles to the South-west corner of Travis county; thence following the West line of Travis to the South East corner of Burnett county; thence with the South boundary line of Burnett county to the South-east corner of Llano county; thence with the South boundary line of Llano county to the North-east corner of Gillespie county; thence with the East boundary line of Gillespie county, to the place of beginning.

SEC. 2. That the boundary lines of Kerr county shall hereafter be as follows:

Beginning at a point on the South line of Gillespie county from which a line running due South will cross the Guadalupe river one mile above the public square of the town of Comfort; thence South to the North boundary line of Bandera county; thence with the North boundary line of Bandera county, in a direct line to the South-west corner of Survey No. 98, in the name of T. E. Bettner; thence in the same course four miles; thence West to the North corner of Survey No. 157, in the name of J. R. Boules on the head of Wallace Creek; thence due West to the North-west corner of Bandera county; thence North twenty-six miles to the South boundary line of Kimble county; thence East about twenty-nine miles to the South-east corner of Kimble county; thence with the West line of Gillespie county to its South-west corner; thence East with the South line of Gillespie county to the place of beginning.

SEC. 3. That all laws and parts of laws, conflicting 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 10th, 1862.

#### CHAPTER XL.

*AN ACT to repeal "An Act authorizing unpaid Warrants to bear interest, approved February 14th, 1860," and otherwise to regulate the issuance of Treasury Warrants.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That "an act authorizing unpaid warrants to bear interest," approved February 14th, 1860, is hereby repealed, but without prejudice to the vested rights of owners of such warrants, which shall be as available as if said act were not repealed.*

SEC. 2. The Comptroller on presentation of any warrant, bearing interest, as well as on presentation of any other legal claim, for which an appropriation shall have been made, shall draw on the Treasury as heretofore prescribed by law, and payment shall be made thereon, if there be money therefor in the Treasury; but, if not, the Comptroller shall issue one or more warrants for the amount, that may be due, payable to the party entitled to payment or bearer; and said warrants shall be of such proportions of the claim as may be expressly required by the holder, provided not more than one-tenth of the whole amount may be issued in warrants for one dollar each, and the balance in warrants for five dollars or more each; and said warrants shall be endorsed by the Treasurer; and every interest warrant, thus superseded, shall be canceled by the Comptroller.

SEC. 3. The warrants, issued in pursuance of this act, on presentation at the Treasury, shall be paid out of any money therein not otherwise appropriated, and when paid shall be canceled, and shall not be re-issued.

SEC. 4. This act shall be in force from its passage.

Approved, January 10th, 1862.

#### CHAPTER XLI.

*AN ACT to provide for the sale and settlement of the vacant and unappropriated alternate sections of Land in Fisher and Miller's Colony.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That all heads of families who are settled upon, or who may hereafter settle upon any of the vacant and unappropriated alternate sections of land within the limits of Fisher and Miller's colony, that are now reserved by the colony contract for the use and benefit of the State, shall have the privilege of purchasing one hundred and sixty, three hundred and twenty, or six hundred and forty acres of land in preference to all other claims, at fifty cents per acre, as hereinafter provided.*

SEC. 2. The land to be secured under the provisions of this act, shall be taken as the section was originally surveyed, or one-half of the section divided by a division line running through the centre of the section, or one hundred and sixty acres to be surveyed in a square, and to be taken out of one corner of the section.

SEC. 3. Any one desirous to obtain the benefits of this act, shall within six months after the passage of this act, or within three months after his or her settlement, file with the District Surveyor, his or her affidavit, and that of two credible witnesses, made before any officer authorized to administer oaths, in the Land District in which the land is situated, that he or she is bona fide settled, and making improvements upon vacant public domain, the sale of which is contemplated in the first section of this act, and that he or she has not previously taken or filed a claim under this act, and shall at the same time file with said surveyor, a designation of the land sought to be secured; and

said settler shall within twelve months, have said land surveyed, and his or her field notes returned to the General Land Office, and shall be required to pay taxes on the same from the date of his or her settlement, and the money paid to the Commissioner of the General Land Office within three years from the date of his or her file, or the preference herein provided shall cease, and no claim under this act shall be transferable or assignable until the rights to the land shall be perfected.

SEC. 4. When all the provisions of this act shall have been complied with, the Commissioner of the General Land Office shall issue to the person entitled to receive the same, a patent for the land which he or she shall have secured under the provisions of this act.

SEC. 5. This act shall take effect and be in force from and after its passage.  
Approved, January 10th, 1862.

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#### CHAPTER XLII.

*AN ACT supplemental to An Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange, and contracts for the payment of money, until the 1st day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law, approved 7th December, 1861.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act, shall not be so construed, as to except debts due from citizens of this State, to alien enemies, which may be sequestered to the Confederate States, under the act of sequestration of the Congress of the Confederate States.*

SEC. 2. That this act shall take effect and be in force, from and after its passage.  
Approved, January 10th, 1862.

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#### CHAPTER XLIII.

*AN ACT to amend the first section of An Act, entitled, An Act to authorize the withdrawal from the General Land Office of deeds issued on paper of the Second Seal, of February 11th, 1850.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the first section of the above recited act is hereby amended, so that the same shall hereafter read as follows, viz: "The owners of deeds issued on paper of the second or third seal, and other evidences of title to land in this State, which were granted, issued, or made prior to the second day of March, A. D. 1836, and which have been filed or deposited in the General Land Office, and are not original documents in, or archives of said office, under the provisions of existing laws, are hereby authorized to withdraw such deeds and other evidences of title from said office, on leaving a receipt therefor, naming the original grantee of the land, and the quantity thereof, together with its location, to which such deed or other evidence of title relates, and the date of such paper. And his act shall be in force from and after its passage.*

Approved, January 11th, 1862.

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#### CHAPTER XLIV.

*AN ACT for the relief of pre-emption settlers, and to extend the time for the return of field notes, and to extend the time for the payment of all dues by settlers, under the acts authorizing the sale of the public domain.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That all settlers under the various pre-emption laws, shall have until January, 1864, to return their field notes, and pay the dues thereon.*

SEC. 2. That all those who have settled under the acts to authorize the

sale of the public domain, and all persons who may settle under said laws, within twelve months from the passage of this act, shall have four years from the date of the passage of this act to pay the amount prescribed by said laws.

SEC. 3. That this act take effect, and be in force from and after its passage.  
Approved, January 11th, 1862.

#### CHAPTER XLV.

*AN ACT supplemental to An Act, to amend the Act supplemental to an Act to regulate Estrays, approved April 6th, 1851,*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the several counties of the State shall be numbered as follows, to-wit: Cameron, No. 1; Hidalgo 2; Starr 3; Zapata 4; Encinal 5; Duval 6; Nueces 7; San Patricio 8; Live Oak 9; McMullen 10; Atascosa 11; Frio 12; Medina 13; Bexar 14; Wilson 15; Karnes 16; Goliad 17; Bee 18; Refugio 19; Calhoun 20; Victoria 21; Jackson 22; Matagorda 23; Wharton 24; Colorado 25; Lavaca 26; DeWitt 27; Gonzales 28; Guadalupe 29; Comal 30; Blanco 31; Gillespie 32; Llano 33; Burnet 34; Travis 35; Hays 36; Caldwell 37; Bastrop 38; Fayette 39; Harris 40; Galveston 41; Brazoria 42; Fort Bend 43; Austin 44; Washington 45; Grimes 46; Brazos 47; Robertson 48; Leon 49; Limestone 50; Freestone 51; Navarro 52; Ellis 53; Dallas 54; Collin 55; Grayson 56; Cook 57; Denton 58; Tarrant 59; Johnson 60; Hill 61; McLennan 62; Falls 63; Milam 64; Burleson 65; Bell 66; Coryell 67; Bosque 68; Erath 69; Parker 70; Wise 71; Montague 72; Clay 73; Jack 74; Palo Pinto 75; Comanche 76; Hamilton 77; Lampasas 78; San Saba 79; Brown 80; Eastland 81; Stephens 82; Young 83; Archer 84; Mason 85; Kerr 86; Bandera 87; Uvalde 88; Zavala 89; Dimmit 90; La Salle 91; Webb 92; Fannin 93; Hunt 94; Kaufman 95; Henderson 96; Anderson 97; Houston 98; Madison 99; Walker 100; Montgomery 101; Chambers 102; Liberty 103; Poll 104; Trinity 105; Angelina 106; Cherokee 107; Smith 108; Wood 109; Hopkins 110; Lamar 111; Red River 112; Titus 113; Upshur 114; Rusk 115; Nacogdoches 116; San Augustine 117; Tyler 118; Hardin 119; Jefferson 120; Orange 121; Newton 122; Jasper 123; Sabine 124; Shelby 125; Panola 126; Harrison 127; Marion 128; Davis 129; Bowie 130; Maverick 131; Kinney 132; Dawson 133; Edwards 134; Kimball 135; Menard 136; McCulloch 137; Concho 138; Coleman 139; Runnels 140; Callahan 141; Taylor 142; Shackelford 143; Jones 144; Throckmorton 145; Haskill 146; Knox 147; Baylor 148; Wichita 149; Wilbarger 150; Hardeman 151; Greer 152; Presidio 153; El Paso 154; Van Zandt 155.*

SEC. 2. The number of the county shall be a brand, to be called the county brand—which every citizen may make and use, or not, as he pleases, on his other stock, after making application to the County Clerk—and having his name entered in a book, to be kept by such clerk for that purpose, for which he shall pay said clerk one dime.

SEC. 3. Any person using the county brand shall brand all animals, of the horse kind, on the neck, and all cattle kind, also on the neck; this brand is independent of, and not intended to interfere with the private brand of such person.

SEC. 4. The County Clerks of the several counties of this State, upon the reception of the affidavit appraisement, description, and bond required to be returned to them, when an animal is posted and estrayed, shall note the county brand if any, and all other brands on it, with a correct description of such animal also; and send the said description, including private brand, to the County Clerk of the county claiming the county brand, and when the last named clerk receives the letter above mentioned, he shall file the same in his office, as a paper belonging to the Estray Department; and if he knows the person claiming the private brand, he shall give him notice of the letter in his office, and shall immediately answer the letter, and notify the first clerk of the date of its reception, and no animal shall be sold, as a stray, unless an answer has been received from the clerk of the county claiming the brand, stating his inability to ascertain

tain the ownership of the animal. The clerks shall write over their official signatures, and stamp the county seal upon each letter written in the process of Estraying, and shall receive fifty cents for each letter thus written; the clerk writing the first letter shall receive one dollar from the person straying the animal, half of it for himself and half to be remitted to the clerk addressed, all cost to be paid out of the sale money of the animal sold, or by the owner when he proves his property.

SEC. 5. The taker up of any stray animal, and the appraisers called in to describe and appraise the same, under the law shall, in addition to the oath now required of them, under the Estray Laws of this State, make oath that they carefully examined such animal, on the neck, for a county brand, and if any such be found, due return make of the same under oath, in their appraisalment and description of the animal, as provided by laws heretofore enacted.

SEC. 6. This act take effect, and be in force from and after its passage.

Approved, January 11th, 1862.

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#### CHAPTER XLVI.

*AN ACT for the relief of certain Railroad Companies of the State of Texas.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the payment of all interest, and the two per cent. Sinking Fund, due and to become due on the bonds issued by the several Railroad companies of the State of Texas, for loans from the special School Fund, be and the same is hereby extended until the 1st day of January, 1864, or until six months after the termination of the present war between the Confederate States and the United States of America, should it terminate before the time above-named.

SEC. 2. That this act shall in no wise impair the prior lien which the State now holds upon any Railroad for the payment of the loans and interest now due or to become due by such roads to the State.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved, January 11, 1862.

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#### CHAPTER XLVII.

*AN ACT to prescribe what kinds of funds may be received for certain public dues.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That all specific taxes for the objects of paying interest and principal of loans shall be collected in specie currency.

SEC. 2. Treasury warrants, not bearing interest, (in addition to the provision heretofore made for their reception in payment for lands, including certificates therefor,) shall be receivable as money in the payment of office fees, including fees for patents and land dues, payable in the General Land Office, taxes, and all other dues to be collected for the State, or in its name, except specific taxes for the objects of paying interest and principal of loans, and except dues of Sinking Fund and interest on School Funds loaned to railroad companies.

SEC. 3. Treasury notes and coupons, issued by the Confederate States of America, shall be receivable as money for indebtedness to the State for lands under the pre-emption laws, and the laws authorizing sale of the University lands, and the laws providing for sale of the public domain, in general, including certificates therefor: for office fees, including fees for patents and land dues, payable in the General Land Office, taxes, and all other dues to be collected for the State, or in its name, except specific taxes for the objects of paying interest and principal of loans, and except dues of Sinking Fund, and interest on School Funds loaned to railroad companies; and shall be receivable for taxes to be collected for the ordinary revenues of counties, without affecting their special taxes.

SEC. 4. This act shall be in force from and after its passage.

Approved January 11th, 1862.

## CHAPTER XLVIII.

*AN ACT concerning the disposal of certain funds therein described.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Treasurer and every other officer of the State, and every officer of counties, who, according to law, shall have received, as public money, Treasury warrants of this State, or Treasury notes of the Confederate States of America, or its coupons, shall disburse or transfer the same, as money, at par, according to the laws providing for disbursement or transfer of money, in the respective cases, if the person or persons entitled to have a disbursement or transfer will receive such warrants, notes and coupons, as money: and officers who may be authorized to receive public money, are authorized and directed to receive such warrants, notes, and coupons, as money, except when expressly prohibited by some other law; and any officer, in making such disbursement or transfer, may adjust the balance by receiving a fractional part of the amount of any such warrant, note, or coupon, in any of such funds or specie currency, in whole or part, to be held and applied as that for which it was received, except that Treasury warrants of the State, received by the Treasurer thereof, shall not be re-issued. Every public receiver of such warrants, notes and coupons, on reception thereof, in each case, shall give a receipt, officially subscribed, specifying the kind and amount respectively, of the funds received; and shall keep a corresponding account showing the several kinds and amounts received, and from whom; and shall be accountable in kind, with the qualification aforesaid, for whatever he may have thus received, or, in default thereof, for the same amount of specie currency. Any such receiver, in failing to comply with any of the foregoing requisitions, shall be guilty of a misdemeanor; and, on conviction thereof, he shall be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one month, or by both fine and imprisonment, as aforesaid, and be removed from office by judgment of the court trying the case.*

SEC. 2. This act shall be in force from its passage.

Approved January 11th, 1862.

## CHAPTER XLIX.

*AN ACT to amend article 721 of the Code of Criminal Procedure.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That article 721 of the Code of Criminal Procedure be so amended as hereafter to read as follows, to wit:*

When the defendant appeals in any case of felony, he shall be committed to jail until the decision of the Supreme Court can be made; and if the jail of the county is unsafe, or there be no jail, the Judge of the District Court may, either in term time or in vacation, order the prisoner to be committed to the jail of the nearest county in his district which is safe; and such appeal may be prosecuted immediately to the term of the Supreme Court, pending at the time the same is taken, or to the first term thereafter, without regard to the law governing appeals in other cases; the transcripts of records of such appeals may be filed in the Supreme Court for trial before the adjournment of the term of the District Court at which the case is determined, should the defendant so desire.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

## CHAPTER L.

*AN ACT supplementary to an act to create a Hospital Fund, to be expended for the benefit of the sick and wounded soldiers of the State of Texas in the Confederate army.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That any*



part of the appropriation made by the above recited act, to which this is a supplement, may, by the direction of the Governor, be drawn from the Treasury, by warrants of the Comptroller of the denomination of one dollar or more, as the Governor shall direct, any law to the contrary notwithstanding.

SEC. 2. That fifteen thousand dollars in specie of the special School Fund, in the Treasury, is hereby appropriated to be used as a part of the fund appropriated by the said act, to which this is a supplement; and the funds so drawn from said special School Fund shall be re-imbursed to said Fund by the Treasurer, out of the first specie that shall come into the Treasury not otherwise appropriated; *provided*, that no part of the one-tenth of the annual revenue of the State, derivable from taxation set apart by the Constitution for school purposes, shall be appropriated under this act; and *provided further*, that should any of the counties apply for their distributive share of the School Fund it shall be the duty of the Comptroller to draw his warrant or warrants on the Treasurer for the amount due such county from the fund appropriated by this act.

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved January 13th, 1862.

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## CHAPTER LI.

*AN ACT to define and punish Sedition, and to prevent the dangers which may arise from persons disaffected to the State.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That if any person within this State shall maliciously and advisedly discourage the people from enlisting into the service of this State or Confederate States, or dispose the people to favor the enemy, every such person shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by imprisonment in the Penitentiary for a term not less than three nor more than five years, at the discretion of the jury.

Approved January 13th, 1862.

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## CHAPTER LII.

*AN ACT to authorize the Confederate States of America to become a party to any suit now pending in any of the Courts of this State, in the place and stead of parties to such suits who are alien enemies.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the Confederate States of America may be made a party to any suit now pending in any of the Courts of the State, in the place and stead of parties to such suits who are alien enemies, upon motion made in writing by any attorney representing said parties, or who may be authorized to represent the Confederate States; *provided*, that the suits now under the control of resident attorneys shall not be taken from their control without full payment of their fees.

SEC. 2. That no such suit now pending shall abate by reason of such alienage, but the same shall proceed to trial and judgment, in the name of the Confederate States of America; *provided*, that nothing herein contained shall be so construed as to repeal or affect an act passed at this session of the Legislature entitled, "An Act suspending all laws for the collection of debts, and liabilities on bonds, promisory notes, bills of exchange and contracts for the payment of money, until the first day of January, A. D. 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law."

SEC. 3. That this act shall take effect and be in force from and after its passage.

Approved January 11th, 1862

## CHAPTER LIII.

*AN ACT prohibiting owners or employers of slaves from placing them in charge of farms or stock ranches, detached or removed from the home or place of residence of the owner or employer.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That from and after the passage of this act it shall not be lawful for any owner or employer, to place any slave in charge of any farm or stock ranche, detached or removed from the residence or home of such owner or employer.*

SEC. 2. That every farmer or stock raiser is hereby required to keep a free white person upon and in charge of any farm or stock ranche, where he may have slaves not immediately under his own control, and connected with his or her home or residence.

SEC. 3. That any person violating the provisions of this act, shall be subject to a fine not less than fifty nor more than one hundred dollars, for each and every violation.

SEC. 4. That the District Judges are required to give this act in charge to the Grand Juries; and it shall take effect and be in force forty days after its passage.

Approved January 11th, 1862.

## CHAPTER LIV.

*AN ACT to authorize and regulate funding in loan bonds.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That any audited indebtedness of the State shall be receivable in payment for its loan bonds.*

SEC. 2. Any indebtedness of the State for any special fund, which has been or may be used by the State, under any law, shall be substituted, as far as practicable, by loan bonds of the State, which shall enure to the benefit of the interest entitled to such fund, until it shall be reimbursed, and the bonds be thereby re-purchased, when they shall be subject to re-sale, as if they had not been so used; and such adjustments shall be made by the Governor, Comptroller, and Treasurer, acting by a majority.

SEC. 3. This act shall be in force from its passage.

Approved January 13th, 1862.

## CHAPTER LV.

*AN ACT to suspend the Statute of Limitations on bills, bonds, promissory notes, and all contracts for the payment of money, until the 1st day of January, 1864, or until six months after the close of the present war.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Statute of Limitations be and the same are hereby suspended, until the 1st day of January, 1864, or until six months after the close of the present war, so far as they refer to debts and claims due on bills, bonds, promissory notes, and all contracts for the payment of money.*

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 13th, 1862.

## CHAPTER LVI.

*AN ACT to provide arms and ammunition and for the manufacture of arms and ordnance for the military defence of the State.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That five hundred thousand dollars of the bonds authorized to be issued by, "An Act authorizing a loan and imposing a specific tax, to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constitution of the State," approved April 8th 1861, is hereby appropriated for the pur-*

pose of procuring arms and ammunition and for the manufacture of arms and ordnance for the military defence of the State.

SEC. 2. The Governor, Comptroller, and Treasurer, are hereby created a Military Board, any two of whom may act, for the purpose of disposing of said bonds in any manner they may see proper in order to accomplish the objects mentioned in the preceding section. Said Board may sell the bonds for money and then buy the arms and ammunition, or negotiate the bonds for arms and ammunition, or for anything else in order to carry out the provisions of the first section of this act.

SEC. 3. That said Military Board shall have the power to appoint one, or more, agents to negotiate said bonds and to purchase said arms and ammunition, and to superintend the manufacture of arms and ordnance. Such agent or agents shall be governed in his or their negotiations by the instructions of said Military Board.

SEC. 4. Such agent or agents shall be entitled to such reasonable compensation for his or their services as shall be agreed upon between him or them and said Military Board.

SEC. 5. That said Military Board, may, in their discretion, establish a foundry for the manufacture of ordnance and one or more manufactures of small arms, to be located at such place or places as said Board may select.

SEC. 6. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying out the provisions of this act.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Approved January 11th, 1862.

## CHAPTER LVII.

*AN ACT to provide for the perpetuation of testimony during the time limited in An Act entitled, "An Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts for the payment of money, until the 1st day of January 1864, or until six months after the close of the present war should it terminate before the date named, or until otherwise provided by law.—approved 7th December, 1861.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That during the time mentioned in the act recited in caption of this act any person or persons desiring to perpetuate the testimony of a witness or witnesses, which may be material to him or them, in support of any cause of action which such person or persons may have against any other person or persons; or in defending any suit which hereafter may be instituted against him or them; may file a statement in the Court of the county where such cause of action might be prosecuted or suit instituted, representing the facts; together with interrogatories propounded to the witness or witnesses, whose testimony is sought to be perpetuated; a copy of which statement and interrogatories shall be served upon the persons interested adversely, whose names shall be mentioned in the statement of facts; where such adverse parties are residents of this state. And in such cases as said adverse parties are non-residents or are absent from the state, or their place of residence is unknown the person or persons, making such application may make affidavit of such fact; and service of notice of the filing of said statement and interrogatories may be perfected by the publication of an abstract of said statement and the facts sought to be proven by the witness or witnesses, for three consecutive weeks, in a newspaper published in the county, if there be one; and if not then in the newspaper published in the nearest county to the Court where such suit might be instituted; after which notice by personal service or by publication as herein provided; the depositions of the witness or witnesses may be taken and returned by any of the parties to such statement, in like manner as is now provided by law for the taking and returning of depositions of witnesses in civil cases: And shall be entered on the records of the Court, and may be used in any*

quit or suits which may be thereafter instituted, by or between any of the parties to the statement or those claiming under them, in like manner, as if such depositions had been taken after the institution of such suit or suits; and when suits have been instituted, all such depositions so taken and returned shall be subject to like exceptions as all other depositions.

SEC. 2. That this Act take effect and be in force from and after its passage.  
Approved January 13th, 1862.

#### CHAPTER LVIII.

*AN ACT to amend the second and third sections of an act, entitled, "An Act authorizing a loan and imposing a specific tax to meet the principal and interest thereof, under the provisions of the 33d section of the 7th article of the Constitution of the State"—approved April 8th, 1861, and supplementary to said act.*

Whereas, no bonds have been issued or negotiated under the provisions of the act recited in the caption hereof,—therefore—

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the second section of said act recited in the caption hereof is hereby amended so that the same shall hereafter read as follows—viz :

The Governor, Comptroller and Treasurer, or a majority of them, may in their discretion appoint an agent or agents to negotiate the disposition or sale of said bonds from time to time; and in case the bonds are sold for money the proceeds of such sales shall be placed in some bank in the city of New Orleans subject to the orders or drafts of the Comptroller of the State for state purposes, or shall be paid into the State Treasury at Austin, as shall be directed by the authority appointing such agent or agents. All agents appointed under the provisions of this act shall be governed in their negotiations by the instructions of the authority appointing them; and the Governor, Comptroller and Treasurer, or a majority of them, may without the interposition of any agent negotiate the disposition or sale of said bonds for the purposes of this act.

SEC. 2. The third section of said act recited in the caption hereof, is hereby amended so that the same shall hereafter read as follows—viz : The said bonds, or the proceeds of the sale thereof, shall be applied to the following objects and no other purpose whatever. 1st, To the satisfaction or payment of appropriations which have been or may hereafter be made for the purchase of arms and munitions of war, or for the manufacture of arms and ordnance.

2d, To the satisfaction or payment of all indebtedness incurred by the State Convention or under its authority, and to meet any deficit in appropriations made to meet the expenses of said Convention, in case said bonds can be so used.

3rd. To the funding of any indebtedness of the State, present or future, to the payment of all indebtedness of the State created for the defence of the frontier, and to the payment of appropriations which have been or may hereafter be made for the military defence of the State. To the repayment of all disbursements made from the Treasury or anticipated from the accruing revenues of the State, or from any special fund or funds in the State Treasury to meet appropriations to pay the expenses of the State Convention, and of the extra and adjourned sessions of the Legislature. To the payment of any deficit in the appropriations made to meet the ordinary expenses of the Government for the year 1861, arising from the anticipation of the revenue to meet extraordinary demands.

SEC. 3. The bonds and coupons authorized by said act shall be payable at some bank in the city of New Orleans in the State of Louisiana, or at the Treasury of the State at the option of the holder of the same; and in case any such holder shall elect to receive such payment at the Treasury of the State he shall give notice thereof in writing to the Treasurer of the State thirty days before the maturity of such bond or coupon. The tax assessed under and by virtue of said act shall be collected in gold or silver only, any law to the contrary notwithstanding. And this act shall be in force from and after its passage.

Approved January 11th, 1862.

## CHAPTER LIX.

*AN ACT to prescribe the duties of the Commissioner of the General Land Office in certain cases.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Commissioner of the General Land Office is hereby prohibited from issuing patents on any Bounty, Donation or other Certificate for lands, heretofore required by law to be presented to and approved by the Commissioner of the Court of Claims, that have not been approved by said Commissioner or Comptroller acting as such Commissioner or issued by special act of the Legislature.

SEC. 2. That the Commissioner shall reject all Bounty and Donation warrants issued to an assignee since the twenty fourth day of November, 1851, where the same shall appear on the "Black list" compiled from the archives of the late Adjutant Generals Office prior to its destruction by fire: provided the rights of the original grantees shall not be impaired thereby.

SEC. 3. That this act take effect from and after its passage.

Approved January 13th, 1862.

## CHAPTER LX.

*AN ACT to amend an act entitled an act prescribing the mode of establishing the liabilities of drawers, endorsers of bills of exchange, and promisory notes, approved 20th March, 1848.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sixth section of an act prescribing the mode of establishing the liabilities of drawers and endorsers of Bills of exchange, and promisory notes, approved 20th March, 1848 be so amended as to read as follows: SEC. 6. Three days of grace shall be allowed on all bills of exchange and promisory notes, assignable and negotiable by law.

Approved January 11th, 1862.

## CHAPTER LXI.

*AN ACT to amend the fourth section and to repeal the sixth section of an Act entitled "An Act to regulate the Public Printing." Approved 22d November 1859.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the fourth section of the above recited act be amended, so that it shall hereafter read as follows:

"SECTION 4. Such sealed proposals shall in every instance be accompanied by a bond in the sum of twelve thousand dollars, signed by the party or parties making the proposals, with two or more responsible persons as securities, conditioned, should the proposals be accepted, for the faithful performance of the work in accordance with the bid contained in the proposals accompanying the bond, and in the time and manner prescribed by law, which bond must be submitted to the Secretary of State, Treasurer and Comptroller, or a majority of them, for approval; and no sealed proposals shall be considered, unless accompanied with such bond so to be approved; and that said bond, after its approval and the acceptance of the proposals, shall be filed with such proposals in the office of the Secretary of State."

SEC. 2. *Be it further enacted,* That the sixth section of the above recited act be, and the same is hereby repealed.

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

Approved January 11th, 1862.

## CHAPTER LXII.

*AN ACT for the relief of Companies incorporated for purposes of Internal Improvement, by allowing them further time for performance, on account of the pending war.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the

time of the continuance of the present war between the Confederate States and United States of America, shall not be computed against any Internal Improvement Company in reckoning the period allowed them in their charters, by any law, general or special, for the completion of any work contracted by them to do: *provided*, That this act shall not be so construed as to revive any charter of a Railroad Company which has been forfeited prior to the 21st day of May, 1861.

SEC. 2. The President and Directors of the Houston and Texas Central Railroad Company, shall, before the provisions of this act shall extend to the benefits of said Company, pass a resolution restoring the original *bona fide* Stockholders of said Company—those who have paid for their stock—to all the rights, privileges and immunities to which they were entitled previous to, and of which they were divested by the sale of said road to W. J. Hutchins and others, and shall forward to the Governor of the State a copy of said resolution, signed by the President and countersigned by the Secretary or Treasurer, under the seal of said Company, and said Company shall not have the power to repeal said resolution so as to defeat the object of this act; *provided*, That if the said original *bona fide* Stockholders should fail to pay into the treasury of said Company ten per cent. upon their said stock, on or before the expiration of the extension of time provided in this act, for the fulfillment of the charter obligations of said Company to the State, then and in that case said Stockholders shall forfeit all their rights, privileges and property interests as Stockholders in said road.

SEC. 3. The President and Directors of any Railroad Company in this State shall not have the power to sell out Stockholders in said Company by virtue of any law now in force, until the expiration of the time of extension provided in this act for the fulfillment of its charter obligations to the State.

SEC. 4. The provisions of any law, contrary to those of this act, shall have no force or effect so far as they may conflict with the provisions of this act, and this act shall take effect and be in force from and after its passage.

Approved January 11th, 1862.

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#### CHAPTER LXIII.

*AN ACT to repeal "An Act to provide for the funding of the debt contracted for the protection of the frontier," approved March 20, 1861; and to provide for liquidating the funded debt.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That "An Act to provide for the funding of the debt contracted for the protection of the frontier," approved March 20, 1861, is hereby repealed; and that the debt, of sixteen thousand dollars and interest thereon, which has been funded under that act, shall be liquidated in Treasury Warrants, at par, or in loan bonds, or in money; and for this purpose, that twenty thousand dollars, or so much thereof as may be necessary, is appropriated, to be paid out of any money in the Treasury not otherwise appropriated; and that this act shall have full effect whenever such liquidation shall have been made; and, in the meantime, that no further funding shall be done under said act.*

SEC. 2. The Comptroller and Treasurer are authorized to make the liquidation aforesaid; and this act shall take effect from its passage.

Approved January 11th, 1862.

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#### CHAPTER LXIV.

*AN ACT to authorize the Chief Clerk in the Treasury Office to sign the name of the Treasurer in certain cases.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Chief Clerk of the Treasury Office, be and he is hereby authorized to sign the name of the Treasurer, by himself as clerk, whenever by reason of sickness, unavoidable absence, or other cause, the Treasurer's name may not be*

affixed by himself; and the signature of the Treasurer affixed by the Chief Clerk as herein provided, shall be as valid as when affixed by himself.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

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#### CHAPTER LXV.

*AN ACT to repeal a certain act herein specified.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That an act to provide for the reception and deposit of a portion of the indemnity due the State of Texas, by the United States, for the sale of a portion of her northwestern territory, under the provisions of an act of Congress, approved September 9th, 1850, which act of the Legislature was approved December 16th, 1851, is hereby repealed; but without prejudice to any vested rights, that may have arisen from said act. And this act shall take effect and be in force from its passage.

Approved January 11th, 1862.

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#### CHAPTER LXVI.

*AN ACT to amend the sixteenth section of an act to provide for the Assessment and Collection of Taxes, approved February 11th, 1850."*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That section sixteen of "An Act to provide for the assessment and collection of taxes, approved February 11th, 1850," be so amended as hereafter to read as follows: If any person shall fail or refuse to pay the taxes imposed upon him and his property by law, until the first day of August next succeeding the return of the assessment roll of his county, to the Comptroller, the Assessor & Collector shall, by virtue of his tax list, levy upon so much property liable to taxation belonging to such person, if to be found in his county, as may be sufficient to pay his or her taxes; provided, however, that if such person, his agent or attorney, shall point out to the Assessor & Collector sufficient property belonging to the party assessed in said county to pay said taxes, then the Assessor & Collector shall levy upon the property so pointed out, and in case the property levied on is about to be removed out of the county, the Assessor & Collector shall proceed to take into his possession so much thereof as will pay the taxes assessed, and the costs of collection; *provided,* That if the blockade of the ports of Texas be raised before the first day of August next, then the collection of taxes by levy and sale may take place at the expiration of thirty days from said event.

SEC. 2. That this act be in force from and after its passage.

Approved January 11th, 1862.

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#### CHAPTER LXVII.

*AN ACT to provide for taking testimony by deposition during the continuance in force, of an act entitled "An Act suspending all laws for the collection of debts and liabilities on bonds, promissory notes, bills of exchange and contracts, for the payment of money, until the 1st day of January, 1864, or until six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law," approved December 7th, 1861.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That during the continuance in force of the act mentioned in the caption hereof, parties to suits pending in any court of this State, shall have all the rights and privileges to take the testimony of witnesses by depositions, that were allowed them under the laws in force on that subject at the date of the passage of said act, and said depositions, so taken, shall have the same force and effect, and be subject to the same exceptions, when offered in the trial of any cause, as though obtained prior to the passage of said act, provided depositions of wit-

nesses residing in the county where suits are pending may be taken in like manner with witnesses residing out of the county.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

### CHAPTER LXVIII.

*AN ACT changing the time of holding the District Courts in the Ninth Judicial District.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the District Courts of the Ninth Judicial District, shall hereafter be held as follows :

The District Court of Houston county shall be held on the third Mondays of February and August, and may continue in session three weeks.

The District Court of Cherokee county shall be held on the third Monday after the third Mondays in February and August, and may continue in session five weeks.

The District Court of Anderson county shall be held on the eighth Monday after the third Mondays in February and August, and may continue in session four weeks.

The District Court of Henderson county shall be held on the twelfth Monday after the third Mondays in February and August, and may continue in session three weeks.

The District Court of Smith county shall be held on the third Mondays of January and July, and may continue in session to, and including, Thursday of the week preceding the day fixed for the time of holding Courts in Houston county.

SEC. 2. All writs and process of every description pertaining to said courts, shall be returned in accordance with the provisions of this act after it goes into effect, and all writs, process, bonds, recognizances, issued, made or entered into to that date, shall not be effected by the passage hereof.

Approved January 11th, 1862.

### CHAPTER LXIX.

*AN ACT for the relief of Railroad Companies.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the failure of any chartered Railroad Company in this State to complete any section or fraction of a section of its road, as required by the existing laws, shall not operate as a forfeiture of its charter or of the lands to which said Company would be entitled under the provisions of an act, entitled "An Act to encourage the construction of Railroads in Texas, by donations of land," approved January 30th, 1854, and the several acts supplementary thereto, provided said Company shall complete such section or fraction of a section as would entitle it to donations of land under existing laws, within two years after the close of the present war between the Confederate States, and the United States of America.

SEC. 2. That during the time named in the first section of this act, any such Company having completed and in running order, twenty-five miles of its road, shall be entitled to receive from the State a grant of sixteen sections of land for every mile of road constructed, or which may hereafter be constructed, and put in running order, beyond the said section of twenty-five miles; *provided,* That no Company shall receive from the State more than sixteen sections of land per mile for any portion of its road now or hereafter constructed, unless otherwise provided by its charter, or special provision of some law.

SEC. 3. That upon the application of any Company which may have completed any portion of its road beyond the said section of twenty-five miles, the Commissioner of the General Land Office shall issue to said Company certifi-



ates for the lands to which it may be entitled under the provisions of this act, and which may have been designated, and caused to be surveyed by said Company in accordance with existing laws; *provided*, That this act shall not be so construed as to conflict with, or in any manner alter, or change the provisions of an act, entitled "An Act for the relief of the Memphis and El Paso Railroad Company, and all other Railroad Companies," passed March, 20th, 1861.

SEC. 4. That the lands to which any such company may now be entitled in pursuance of this act, may be designated, surveyed and patented at any time within two years after the passage of this act: and the President and Directors of the Houston and Texas Central Railroad Company shall, before the provisions of this act shall extend to the benefit of said company, pass a resolution restoring the original bona fide stock-holders of said company—those who have paid for stock—to all the rights, privileges and immunities, to which they were entitled previous to and of which they were divested by the sale of said road to W. J. Hutchins and others, and shall forward to the Governor of the State a copy of said resolution, signed by the President, and countersigned by the Secretary or Treasurer, under the seal of said company; and said company shall not have the power to repeal said resolution, so as to defeat the object of this act; *provided*, that if the said original bona fide stock-holders should fail to pay into the Treasury of said company ten per cent. upon their said stock, on or before the expiration of the extension of time provided in this act for railroad companies, to fulfil their charter obligations to the State, then, and in that case, said stockholders shall forfeit all their rights, privileges, and property interests, as stock-holders, in said road.

SEC. 5. That this act take effect and be in force from and after its passage.

Approved January 11th, 1862.

## CHAPTER LXX.

*AN ACT making appropriations for the use and support of the State Government, for the years 1862 and 1863.*

SECTION. 1. *Be it enacted by the Legislature of the State of Texas*, That the following sums be, and they are hereby appropriated for the use and support of the State Government, for the years 1862 and 1863.

### LEGISLATURE.

For the purchase of fire wood and stationery for the next Legislature, \$ 1,000

### JUDICIARY—SUPREME COURT.

|  |                    |
|--|--------------------|
| Salary of three Judges, each, per annum, \$3,000 | \$ 9,000— \$18,000 |
| Contingent expenses of Supreme Court, per annum, | 1,150— 2,300       |
| Pay of Sheriffs, " " " "                         | 609— 1,218         |
| Porter hire, " " " "                             | 203— 406           |
| Publishing Reports, per annum,                   | 7,000— 14,000      |
| Clerk's Fees in felony cases, per annum,         | 150— 300           |

### DISTRICT COURTS.

|  |                |
|--|----------------|
| Salary of twenty Judges, each, per annum, \$2,250,   | 45,000— 90,000 |
| Salary of twenty Attorneys, each, per annum, \$500,  | 10,000— 20,000 |
| Costs due Clerks, Sheriffs and Attorneys, per annum, | 5,000— 10,000  |

### ATTORNEY GENERAL'S OFFICE.

|  |              |
|--|--------------|
| Salary of Attorney General, per annum, | 1,800— 3,600 |
| Contingent fund, per annum,            | 100— 200     |
| Fees in felony cases, per annum,       | 250— 500     |

## EXECUTIVE—GOVERNOR'S OFFICE.

|   |          |         |
|---|----------|---------|
| Salary of Governor, per annum,                | \$3,000— | \$6,000 |
| Salary of Private Secretary, per annum,       | 900—     | 1,800   |
| Contingent Expenses, per annum,               | 500—     | 1,000   |
| Recovering fugitives from justice, per annum, | 2,500—   | 5,000   |
| Publishing proclamations, per annum,          | 750—     | 1,500   |
| Furnishing Governor's mansion,                | 500—     | 1,000   |

## SECRETARY OF STATE'S OFFICE.

|   |        |        |
|---|--------|--------|
| Salary of Secretary of State, per annum,  | 1,800— | 3,600  |
| Salary of Chief Clerk, per annum,   | 1,400— | 2,800  |
| Printing, per annum,  | 300—   | 600    |
| Porter hire and wood, per annum,  | 100—   | 200    |
| Postage, per annum,   | 200—   | 400    |
| Contingent expenses, per annum,   | 150—   | 300    |
| Stationery and Books, per annum,  | 100—   | 200    |
| Extra clerk hire, and other expenses, per annum,                                  | 400—   | 800    |
| Distributing Laws and Journals, 9th Legislature, and Reports<br>of Supreme Court, |        | 2,000  |
| Printing Laws and Journals, 9th Legislature,                                      |        | 12,000 |
| Printing biennial reports,  |        | 3,000  |

## COMPTROLLER'S OFFICE.

|  |        |       |
|--|--------|-------|
| Salary of Comptroller, per annum,                          | 1,800— | 3,600 |
| Salary of Chief Clerk, per annum,                          | 1,400— | 2,800 |
| Salary of Tax Clerk, per annum,                            | 1,200— | 2,400 |
| Civil Accountant, per annum,                               | 1,200— | 2,400 |
| Military Accountant, per annum,                            | 1,200— | 2,400 |
| Salary of four assistant clerks, at \$900 each, per annum, | 3,600— | 7,200 |
| Contingent expenses, per annum,                            | 200—   | 400   |
| Books and stationery, per annum,                           | 300—   | 600   |
| Printing, per annum,                                       | 250—   | 500   |
| Postage, per annum,  | 200—   | 400   |
| Blank assessment rolls, per annum,                         | 600—   | 1,200 |
| Fire-wood for Treasury buildings, per annum,               | 200—   | 400   |
| Porter hire, Treasury buildings, per annum,                | 250—   | 500   |
| Printing and compiling abstract of lands,                  |        | 1,000 |
| For blank Treasury Warrants,                               |        | 2,500 |

## TREASURER'S OFFICE.

|  |        |       |
|--|--------|-------|
| Salary of Treasurer, per annum,              | 1,800— | 3,600 |
| Salary of Chief Clerk, per annum,            | 1,200— | 2,400 |
| Contingent expenses, per annum,              | 200—   | 400   |
| Stationery, postage and printing, per annum, | 150—   | 300   |

## GENERAL LAND OFFICE.

|  |         |        |
|--|---------|--------|
| Salary of Commissioner, per annum,                             | 2,000—  | 4,000  |
| Salary of Chief Clerk, per annum,                              | 1,400—  | 2,800  |
| Salary of Translator, per annum,                               | 1,200—  | 2,400  |
| Salary of Receiver, per annum,                                 | 1,200—  | 2,400  |
| Salary of Chief Draftsman, per annum,                          | 1,200—  | 2,400  |
| Salary of three Assistant Draftsmen, each, \$1,100, per annum, | 3,300—  | 6,600  |
| Salary of six 2d Assistant Draftsmen, each \$1,000, per annum, | 6,000—  | 12,000 |
| Salary of twelve Assistant Clerks, each, \$900 per annum,      | 10,800— | 21,600 |
| Stationery, per annum,   | 1,000—  | 2,000  |
| Contingent expenses, per annum,                                | 300—    | 600    |
| Postage, per annum,  | 400—    | 800    |
| Fire wood, per annum,  | 250—    | 500    |
| Printing, per annum,   | 100—    | 200    |
| Porter hire, per annum,  | 250—    | 500    |

## ASYLUMS.

|  |         |        |
|--|---------|--------|
| Support of Lunatic Asylum, annually,       | 12,000— | 24,000 |
| Support of Deaf and Dumb Asylum, annually, | 8,500—  | 17,000 |
| Support of Blind Asylum, annually          | 5,500—  | 11,000 |

## PENTITENTIARY.

|  |        |        |
|--|--------|--------|
| Salary of Superintendent, per annum,               | 1,500— | 3,000  |
| Salary of Financial Agent, per annum,              | 1,500— | 3,000  |
| Salary of three Directors, each, per annum, \$250, | 750—   | 1,500  |
| Salary of Chaplain, per annum,                     | 250—   | 500    |
| Salary of Physician, per annum,                    | 500—   | 1,000  |
| Transportation of convicts,                        |        | 15,000 |
| Stationery, Postage and printing, annually,        | 150—   | 300    |

## PENSIONS.

|                                    |      |     |
|------------------------------------|------|-----|
| Alsbury, Juana Navarro, per annum, | 100— | 200 |
| Anderson, W. H., per annum,        | 100— | 200 |
| Barnett, Thomas, per annum,        | 100— | 200 |
| Cole, David, per annum,            | 100— | 200 |
| Day, James M., per annum,          | 100— | 200 |
| Davis, Rolla M. per annum,         | 100— | 200 |
| Field, Joseph E., per annum,       | 200— | 400 |
| Nichols, James W., per annum,      | 100— | 200 |
| Norris, Thomas, per annum,         | 100— | 200 |
| Smith, H. M., per annum,           | 250— | 500 |
| Shepherd, Charles, per annum,      | 125— | 250 |
| Thacker, J. B., per annum,         | 100— | 200 |
| Webb, David, per annum,            | 100— | 200 |
| Stump, John S., per annum,         | 200— | 400 |
| Cooper, Dillard, per annum,        | 200— | 400 |

## MISCELLANEOUS.

|  |        |        |
|--|--------|--------|
| Boring Artesian Well. & c.,  |        | 3,000  |
| Repairs on Public Buildings,   |        | 1,000  |
| Taking Scholastic Census, 1862 and '3, (out of interest on School Fund.) |        | 11,000 |
| Slaves executed, per annum,  | 4,000— | 8,000  |
| Due the San Antonio Texan, for advertising Artesian Wells contracts,     |        | 81 00  |
| Balance due Sampson & Hendricks, furnishing Executive Mansion            |        | 75 90  |
| For printing bill organizing Militia,                                    |        | 675 00 |
| For surveying Toby Scrip-land.   |        | 10 90  |
| For advertising boring Artesian Wells in the West, to J. Marshall & Co., |        | 72 00  |
| Balance due Johan Peterson on boring well in Capitol square,             |        | 465 88 |

## ADJUTANT GENERAL'S OFFICE.

|  |        |       |
|--|--------|-------|
| Salary of Adjutant General, per annum,         | 2,000— | 4,000 |
| Salary of Assistant Quartermaster, per annum,  | 1,200— | 2,400 |
| Salary of three clerks, each, \$900 per annum, | 2,700— | 5,400 |
| Books and stationery, per annum,               | 100—   | 200   |
| Porter hire and wood, per annum,               | 100—   | 200   |
| Postage, per annum,                            | 300—   | 600   |
| Printing, per annum,                           | 100—   | 200   |
| Contingent expenses, per annum,                | 150—   | 300   |

SECT 2. That this act take effect from and after its passage.

Approved, January 13, 1862.

## CHAPTER LXXI.

*AN ACT to amend "An Act amendatory of the laws to raise revenue by taxation," approved February 16th, 1858; and to amend an act entitled "An Act to amend an act amendatory of the laws to raise revenue by taxation, approved Feb. 16th, 1858," approved April 8th, 1861.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the first section of the above-named act, approved February 16th, 1858, shall be amended so as to read as follows:*

There shall be levied and collected, for the use of the State, an annual direct *ad valorem* tax of twenty-five cents upon each hundred dollars value of property, real and personal, in this State, except such property as may be exempt by law from taxation, which tax shall include the specific tax of four cents on the \$100, provided by law, for the payment of interest and principal of loan.

SEC. 2. That section 2d of said act shall hereafter read as follows: There shall be assessed and collected of every free male person, over the age of twenty-one years, resident in this State, idiots and persons *non compos mentis* excepted, a poll-tax of one dollar each.

SEC. 3. That section 6th of said act shall hereafter read as follows: There shall be assessed and collected of each and every person pursuing the occupation of hawker, pedlar of goods, or other articles not manufactured in the State, an annual direct tax of fifty dollars, in each county in which he may pursue such occupation; of each and every person or firm keeping a billiard table, an annual direct tax of fifty dollars for each table so kept; of each and every person or firm keeping a nine or ten pin alley, an annual direct tax of forty dollars for each alley so kept; of each and every person or firm keeping a hotel in towns of five hundred inhabitants or less, ten dollars; in any town with over five hundred and under two thousand inhabitants, fifteen dollars; in any town with over two thousand and under five thousand inhabitants, twenty dollars; in every town with five thousand or over inhabitants, thirty dollars; on each and every person or firm keeping any restaurant, cook shop, or eating house, for pay or emolument, fifteen dollars; on each and every person or firm keeping any brewery, twenty dollars; on each and every person or firm keeping any beer shop, in which no vinous or spirituous liquors are vended, twenty-five dollars; on each and every person or firm keeping any distillery of spirituous liquors, fifty dollars; on each and every person or firm keeping any storage warehouse, ten dollars; on each and every person or firm engaged in re-pressing cotton, twenty-five dollars; on each insurance company, fifty dollars; on each and every person or firm keeping a livery stable, fifteen dollars; on each and every toll bridge or ferry kept and used for pay as much as six months in each year, ten dollars; on each and every person engaged in the practice of law, medicine or dentistry, for pay or emolument, ten dollars; on each and every person having a fixed annual salary, whether as a public officer or by private contract, twenty-five cents on each hundred dollars of such salary, over and above five hundred dollars; upon each and every firm or person keeping a race track, forty dollars; on each and every person or firm pursuing the occupation of real estate broker, ship broker, cotton broker, or any commission business, for each and every such establishment, twenty dollars; on each person or firm engaged in the business of underwriting, or selling dry goods, groceries, or drugs and medicines, ten dollars; on each and every pawn-broker, forty dollars; on each and every person engaged in negro trading, for each negro sold, five dollars. It shall be the duty of every person or firm engaged in the occupation of hawker or pedlar, billiard table keeper, keeper of nine, or ten pin alleys, cook shop, eating house or restaurant, race track, auctioneer, hotel keeper, or pawn-broker, before entering upon any such occupation, to first call upon the Assessor and Collector of the county in which he may intend to follow such occupation, and pay the tax required, and take a receipt for the same, setting forth the occupation, and the amount of tax paid, which receipt he shall file with the clerk of the county court, who shall thereupon issue to him a license to follow such occupation for the term for which the license tax has been

paid, and any person failing to do so shall be required to pay a double tax. It shall be further the duty of the clerk to keep a book, in which he shall enter the names of all persons obtaining a license, with the amount of tax paid, and the date of the license, which book shall at all times be open to the inspection of the county court, and to all officers, executive and judicial, of his county, a transcript of which book, certified by the Chief Justice, and under the seal of the court, he shall transmit to the Comptroller, on the 1st day of June, in each and every year; for which service the Clerk shall be entitled to a fee of one dollar in each case, to be paid by the party obtaining the license.

SEC. 4. That the first section of said act, approved April 8th, 1861, recited in the caption hereof, shall hereafter read as follows: There shall be assessed and collected of each person, firm, or public corporation, having money or paper currency circulating as money, loaned at interest, buying or selling exchange, or buying or selling notes of hand, and on all money or paper currency circulating as money, hoarded or kept on hand, beyond the sum of two hundred dollars, a tax at the rate of twenty-five cents on each hundred dollars loaned, hoarded or kept on hand, and on the amount of capital used for the purchasing of notes or exchange; and any person, firm or public corporation having money, or paper currency circulating as money, or hoarded, loaned at interest, or money, or paper currency circulating as money, used in purchasing notes or exchange, or hoarded, or kept on hand, beyond the sum of two hundred dollars, who shall fail or refuse to give in the same for taxation, shall, upon conviction before any court having competent jurisdiction, forfeit ten per centum upon the amount of money, or paper currency circulating as money, thus loaned or kept on hand, beyond two hundred dollars, or used in purchasing notes or exchange, and not given in for taxation, to the use of the informant and of the State, each one-half. That each and every person or firm engaged in the sale of goods, wares and merchandize, vinous or spirituous liquors, when sold in quantities of a quart or more, shall pay a tax of twenty-five cents on each hundred dollars value of such articles purchased for sale, or received for sale as agent or auctioneer by such person or firm; and it shall be the duty of each Assessor and Collector in this State, once in every three months, or oftener, to call upon such person or firm so occupied or engaged, in his county, for an account of such purchase or consignments, to be made under oath; and every person or firm, when so called upon, who shall fail or refuse to furnish such Assessor and Collector with an account of such purchase or consignment, during the term for which the assessment is to be made, shall be liable to a penalty of fifty dollars for each failure or neglect, to be recovered on information of the Assessor and Collector, before any Justice of the Peace of the proper county, by a suit in the name of the State; and this specific tax levied shall exempt the goods, wares and merchandize of such person or firm from the *ad valorem* tax levied by this act.

SEC. 5. That the provisions of all acts conflicting with this act are hereby repealed, except so far as relates to the collection of taxes which have heretofore accrued and remain uncollected, under the provisions of former laws.

SEC. 6. That this act be in force and take effect from and after its passage.

Approved, January 13th, 1862.

## CHAPTER LXXII.

### *AN ACT to protect Public Buildings.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That any person or persons who may deface, injure or destroy any public buildings, shall, upon conviction thereof, in any court of competent jurisdiction, be fined not less than five dollars, nor more than full damage done thereto.

SEC. 2. It shall be the duty of all Sheriffs, Justices of the Peace, Chief Justices of the counties, and Commissioners of county courts, to aid in the execution of this law; and it is hereby made the duty of the aforesaid officers

to report all such offences to the next succeeding grand jury of their respective counties.

SEC. 3. That this act take effect from and after its passage.  
Passed January 4th, 1862.

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### CHAPTER LXXIII.

*AN ACT to repeal a certain act specified in this act.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That "An Act providing for the investment of the Sinking Fund, approved February 13th, 1860."* is hereby repealed; but, without prejudice to any vested right which has arisen under that act; and that this act be in force from its passage.  
Approved, January 14th, 1862.

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### CHAPTER LXXIV.

*AN ACT to amend section 5th of an act entitled "An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5th 1858."*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the 5th section of an act entitled "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5th, 1858," shall hereafter read as follows :*

ARTICLE 1370. The Superintendent shall be a married man and a skillful physician, experienced in the treatment of the insane. He shall continue in office for the term of four years from the time of his appointment, unless sooner removed by the Governor for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty, and when so removed, the removal shall be reported by the Governor to the Legislature, together with the reasons therefor. He shall reside in the Asylum, with his family, when required to do so by the managers.

SEC. 2 This act shall take effect from and after its passage.  
Approved, January 13, 1862.

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### CHAPTER LXXV.

*AN ACT providing for the recovery of State arms.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Governor be, and he is hereby directed, to require of all persons having State arms in their possession in violation of law, to return such arms to the Chief Justice of the county where such person resides, within thirty days after proclamation by the Governor requiring the same; and any person refusing or neglecting so to do shall be deemed guilty of a misdemeanor, and liable to indictment and fine, upon conviction, in a sum of not less than fifty nor more than one hundred dollars, to be recovered as is provided for by law.*

SEC. 2. That this act shall take effect and be in force from and after its passage.

Approved January 13, 1862.

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### CHAPTER LXXVI.

*AN ACT to appropriate funds for Military purposes.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That one million of dollars, or so much thereof as may be necessary, is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for military purposes as follows: For the support, comfort, and efficiency of State troops, if called into active service; for the purchase of arms*

and munitions of war of all kinds, that may be necessary and proper; for the manufacture of such arms and munitions, and the purchase, in any market, of materials therefor; for procuring necessary armories and other places for storing public military property; for preservation, care, and use of such property; for stationary works of defense, and nautical vessels and instruments, if necessary; for the necessary maintenance of troops along the interior frontier under the law for its defense; and for all necessary and proper incidents of the foregoing military purposes. And for the purposes aforesaid, as embraced in the foregoing general appropriation, the specie currency and Confederate Treasury Notes, which may come into the treasury from all sources, except specific taxes and special school funds, shall be specifically used; and such funds shall not be used for any other purpose, unless otherwise provided by law. Provided, that there shall be excepted from said specific funds the following amounts, for the respective purposes connected therewith: twenty-five thousand dollars for defraying the current expenses of the Lunatic Asylum and the Institutions for educating the Blind, Deaf, and Dumb, without including in this mode of payment, the salaries of the officers of said establishments; three thousand dollars for payment of the postage of the Executive and other departments; twelve hundred dollars for obtaining blanks for Treasury Warrants; and these amounts are hereby specially reserved for said objects, respectively, and specific appropriations therefor, or so much of each amount as may be necessary for its particular object as aforesaid.

SEC. 2. This act shall be in force from its passage.

Approved, January 14th, 1862.

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#### CHAPTER LXXVII.

*AN ACT supplemental to "An Act to provide for auditing and settling all claims against the State on account of Volunteer Companies, called out by the Governor or Committee of Safety, and for the defence of the State, and providing payment for the officers and men thereof," approved January 4th, 1862.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor is authorized to take necessary measures for proper presentation to the Confederate Government of the claims of this State, including the appropriate vouchers and accounts, against that government, to be prepared under the act to which this is supplemental, and for receiving from that government such payments or obligations for payment as it may be prepared to make or give; and for placing such receipts in the Treasury, except as may be otherwise provided by law; and that one thousand dollars, or so much thereof as may be necessary, be appropriated to defray the expenses of said business, to be paid out of any money in the Treasury, not otherwise appropriated; and this act shall be in force from its passage.

Approved, January 14th, 1862.

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#### CHAPTER LXXVIII.

*AN ACT for the relief of the Pre-emption Settlers.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That no pre-emptor who has entered into the service of this State, or the Confederate States, as a soldier, shall by his absence in said service forfeit any right now secured to him, under the pre-emption laws of this State, but he shall have the same time to perfect his title after such service expires, as is now required by law.

SEC. 2. That in case of death of any such pre-emptor, while in said service, his heirs shall have the same time to perfect the title to such land as now allowed to pre-emptors under existing laws.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved January 14th, 1862.

## CHAPTER LXXIX.

*AN ACT requiring the Comptroller to rent out certain Public Buildings and other houses in the City of Austin, belonging to the State.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts, be and he is required to take charge of and rent out any and all houses, in the City of Austin, situate upon any lot, or lots belonging to the State, and not occupied for State purposes, to the highest bidder, for such length of time as he may direct, and on a credit not to exceed twelve months from the date of such renting, taking notes with approved personal security therefor.*

SEC. 2. *That the Comptroller is further required to rent out in like manner the rooms in the old Land Office building, not occupied by any State officer for whom the State furnishes an office; Provided the use and occupation of said rooms shall not at any time interfere with or prevent the use of the same, by any officer or committee of any regular or extra session of the State Legislature.*

SEC. 3. *That this act take effect and be in force from and after its passage.*  
Approved, January 13th, 1862.

## CHAPTER LXXX.

*AN ACT supplemental to, and amendatory of An Act to provide for the appointment of Patrols, and to prescribe their duties and powers, approved May 9th, 1846, and to repeal section ten of said act.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the county court of every county shall, at each regular term, appoint a patrol detachment, to consist of one captain and not less than five, nor more than twenty privates, for each or any district, or company division in the county, whose term of service shall be three months from the time of their appointment, provided that one-half of the patrol appointed shall be owners of slaves or their substitutes.*

SEC. 2. *The county court shall, at the time of appointing said detachment, divide and lay off each civil district into as many patrol districts as they may think expedient and proper, for the efficient execution of the patrol law, and shall make such rules and regulations, not inconsistent with the laws of the State, for the government of such detachments as they deem proper.*

SEC. 3. *The captain and privates of each detachment shall be appointed from among the citizens of the division or district, and shall patrol said district at least once a week, and as much oftener as the peace and quiet of the community may require, by visiting negro quarters and other places in the district, where it may be suspected that slaves are improperly or unlawfully assembled; and it shall be the duty of the Captain to report any private for failure to perform duty, or obey orders, under this act, and on failure of the captain so to report, he shall be deemed guilty of a misdemeanor, and on conviction before any Justice of the Peace, shall be fined not less than one nor more than five dollars, for each failure to report.*

SEC. 4. *Whenever a detachment or part thereof, shall find any slave off the plantation, or other premises of the master, mistress, or employer, strolling about without a pass, or written permission, from some one authorized to give the same, the said detachment or part thereof, may give to such slave any number of lashes not exceeding twenty-five; and the pass or permit shall be in writing, and state the place to which, or business on which said slave is to go, and the time of absence, and if said slave is allowed to ride, the fact must be stated, and the slave, to avoid the punishment herein, must go some direct or usually traveled way. Provided, that in case the slave is after medical aid, he may pass without such written permit.*

SEC. 5. *That section ten of said act be, and the same is hereby repealed; and this act take effect, and be in force from and after its passage.*

Approved January 13th, 1862.



## CHAPTER LXXXI.

*AN ACT to provide funds for Military purposes.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor, Comptroller, and Treasurer, shall constitute a military board; and a majority of said board shall have the power to provide for the defence of the State by means of any bonds and coupons, which may be in the Treasury on any account, and may so use such funds or their proceeds, and therefor, may sell, hypothecate, or barter such bonds and coupons; provided such disposal shall not exceed the amount of one million of dollars of such bonds and coupons; and that they shall not be disposed of at any discount greater than twenty per cent of their face amounts.

SEC. 2. Any bonds which may be disposed of under the provisions of this act, shall be substituted by equal amounts of any bonds of the Confederate States of America, that may be obtained by this State, and the bonds so substituted, respectively, in all respects, shall be in place of the funds disposed of as aforesaid.

SEC. 3. That this act be in force from and after its passage.

Approved, January 11th, 1862.

## CHAPTER LXXXII.

*AN ACT supplemental to and amendatory of An Act making appropriation for the support of the State Government for the years 1862 and 1863.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of two thousand dollars per annum be and the same is hereby appropriated to pay the salary of the Superintendent of the Lunatic Asylum, and the sum of two hundred and fifty dollars be and the same is hereby appropriated to pay the deficit in the appropriation for the past two years for the Blind Asylum.

SEC. 2. That this act take effect from and after its passage.

Approved January 13th, 1862

## CHAPTER LXXXIII.

*AN ACT making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the Ninth Legislature of the State of Texas.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of seventy-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the mileage and per diem pay of the members, and the per diem pay of the officers of the Ninth Legislature of the State of Texas.

SEC. 2. That the certificate of the Secretary of the Senate and the certificate of the Chief Clerk of the House, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and draw his warrants upon the Treasurer for the respective amounts.

SEC. 3. That in case there be no funds in the Treasury, the Comptroller shall draw his warrants upon the Treasurer; said warrants shall be receivable for taxes and other public dues, as may be provided by the general law; one-tenth of each claim may be issued, if the claimant so desire it, in one dollar warrants. For the other nine-tenths of the claim, no warrant shall be drawn of a less denomination than five dollars.

SEC. 4. That this act take effect from and after its passage.

Approved, January 13th, 1862.

## CHAPTER LXXXIV.

*AN ACT to provide for contingent services in the Comptroller's Office.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Comptroller is authorized to employ additional clerks, on extraordinary occasions, to dispatch the business of his office, as he may consider necessary; provided the expense thereof, until the first Monday of November, one thousand eight hundred and sixty-three, shall not exceed thirty-two hundred dollars; and that amount, or so much thereof as may be necessary, is hereby appropriated for the purpose aforesaid, to be paid out of any money in the Treasury, not otherwise appropriated; and that this act shall be in force from its passage.*

Approved January 14th, 1862.

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## CHAPTER LXXXV.

*AN ACT to punish speculations in certain cases.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That if any person shall fraudulently, for lucre or gain, purchase any article of clothing, shoes, leather, cloth, or any other article of clothing, provisions, wheat, flour, corn, corn meal, meat, hogs, horses, cattle, or any other of the necessaries of life of any description, and shall falsely represent that he or they are purchasing such articles for the soldiers or army of the State, or of the Confederate States of America, or shall by any fraudulent contrivance induce or attempt to induce the vendor or donor to believe that they are purchasing such articles for the army of the State or Confederate States of America, with an intent to make a profit upon such purchase, such person so offending shall be guilty of felony, and upon conviction shall be punished by confinement in the penitentiary, at hard labor, for not less than two or more than five years.*

SEC. 2. *That if any Quartermaster or Commissary, or person of the army of this State or of the Confederate States of America, who is authorized or empowered to purchase supplies of any and every kind for said army, shall be directly or indirectly interested in the purchase of such articles, by himself, or through an agent or agents, for his or their profits, or shall make profit or gain by such purchase, beyond the fees or salaries allowed by law to them, he, or they, so offending shall be guilty of a felony, and shall be punished by confinement in the penitentiary, at hard labor, for not less than two nor more than ten years.*

SEC. 3. *This act shall remain in force until the end of the present war between the Confederate States and the United States; but the termination of such war shall not abate any prosecution then pending under this act, nor shall it be a bar to the prosecution of any violation of this act that may have been committed during the aforesaid war.*

Approved January 13th, 1862.

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## CHAPTER LXXXVI.

*AN ACT supplementary to an Act, making an appropriation to pay the contingent expenses of the Ninth Legislature, approved the 9th day December, 1861.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the further sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the contingent expenses of the Ninth Legislature.*

SEC. 2. *If there is not sufficient specie in the Treasury of the State of Texas, to satisfy the contingent fund appropriated by the act, to which this is a supplement, and the appropriation herein made for that purpose, not otherwise appropriated, then the Treasurer is authorized to pay any drafts drawn against such contingent fund, out of the specie in the Treasury belonging to*

the University land sale, or out of the fund belonging to escheated property, after the fund belonging to the University Land Sale may have been exhausted, to supply such deficiency; which money so used shall be replaced by the Treasurer to these respective funds, out of any money coming into the Treasury, not otherwise appropriated.

SEC. 3. This act shall take effect and be in force from and after its passage.  
Passed January 9th, 1862.

#### CHAPTER LXXXVII.

*AN ACT to fix the salaries of the officers and clerks therein named.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the salary of the Governor's private secretary shall be nine hundred dollars per annum.

SEC. 2. The salary of the Spanish Clerk of the General Land Office shall be twelve hundred dollars per annum. That the salary of the principal Draftsman shall be twelve hundred dollars per annum. That the salaries of the three assistant Draftsmen shall be eleven hundred dollars each per annum. That the salaries of six 2d assistant Draftsmen shall be one thousand dollars each per annum, and no more Draftsmen shall be employed than those named above. The salaries of twelve assistant Clerks shall be nine hundred dollars each per annum, and no more assistant clerks shall be employed than those named above.

SEC. 3. That the salary of the Clerk of the State Department shall be fourteen hundred dollars per annum.

SEC. 4. That the salaries of the Chief Tax Clerk and of the accountants in the Comptroller's Office shall be twelve hundred dollars each per annum.

SEC. 5. That all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

SEC. 6. That this act take effect and be in force, from and after its passage.  
Approved, January 14th, 1862.

#### CHAPTER LXXXVIII.

*AN ACT supplemental and amendatory of an Act entitled "An Act prescribing the manner of authenticating instruments for record," approved April 6th, 1861.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the first section of the above recited act be amended so that the same shall hereafter read as follows:

"SECTION 1. That the proof of every instrument of writing, for record, shall be taken by some one of the following officers: First, when acknowledged or proven within the State before some Notary Public, Clerk of the County Court, or his deputy, or Judge of a Court of Record; second, when acknowledged or proven without this State and within the Confederate States of America, or their Territories, or the United States of America, or their Territories, before some Judge of a Court of Record having a seal; third, when acknowledged or proven without the Confederate States or United States, before some public minister, Charge d' Affaires, or Consul of the Confederate States; and in all cases the certificate of such acknowledgement, or proof, shall be attested under the official seal of the officer taking the same; that when any deed, transfer, or other instrument of writing executed by the president of any railroad company which has been or may be incorporated by the laws of this State, shall be attested by the seal of said company, it shall be considered sufficiently authenticated to authorize the Clerk of the County Court to record the same."

SEC. 2. That all acts of deputies of County Clerks in taking acknowledgements or proofs of instruments of writing for record, since the passage of the act hereby amended, are hereby confirmed and declared valid.

SEC. 3. That this act be in force from and after its passage.

Approved January 14th, 1862.

The University of Toronto has been established for the purpose of providing a liberal education to the youth of this province. It is a body corporate and sole legal entity, and its powers and duties are defined by the University Act, R.S.O. 1990, c. 274. The University is a public institution and its activities are subject to the provisions of the Access to Information Act, R.S.C. 1985, c. A28, and the Freedom of Information Act, R.S.C. 1985, c. F30.

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# JOINT RESOLUTIONS.

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## CHAPTER I.

*JOINT RESOLUTION authorizing the Governor to appoint Agents, to receive and forward clothing, blankets and other necessaries, contributed by our citizens, for the Soldiers of Texas; and to prescribe their duties.*

SECTION 1. *Be it resolved by the Legislature of the State of Texas, That the Governor of the State is hereby required to commission as many competent persons as he may deem expedient, subject to removal by the Governor for failing to perform the service contemplated in this joint resolution; to receive and forward such articles of clothing, blankets and other necessaries, contributed by the citizens, for our brave soldiers during the present war; which said Agents are expected to perform said service without charge to the State.*

SEC. 2. Said Agents shall keep a list of all articles subscribed, or delivered to them, with the names of the parties donating, and for whose particular benefit the same are contributed; and shall also keep a list of all articles forwarded, and take receipts for said articles, from such persons to whom they may under the instructions from the Governor, or of the proper Department of the Confederate Government, deliver the same for transportation.

SEC. 3. That the Governor is required to furnish said Agents with instructions, and supply such deficiency in the arrangement made by the Confederate Government, or means if necessary, as may be necessary to ensure the safe transportation of the articles to their destination. And that the Agents report their transactions from time to time, to the Adjutant General of this State.

SEC. 4. That this joint resolution shall take effect and be in force from and after its passage.

Approved, November 23d, 1861.

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## CHAPTER II.

*JOINT RESOLUTION making an appropriation for the Milcage and per diem pay of the Presidential Electors for the year 1861.*

SECTION 1. *Resolved by the Legislature of the State of Texas, That the Comptroller be required to issue to each of the Presidential Electors a draft or drafts on the Assessors and Collectors of their respective counties, for their mileage and per diem.*

SEC. 2. That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated, and this act take effect and be in force, from and after its passage.

Approved December 7th, 1861.

## CHAPTER III.

*JOINT RESOLUTION in relation to the suspension of the Custom Houses on the sea coast and on the Rio Grande Frontier, in the Confederate States during the blockade*

WHEREAS, The existence of the blockade and the small amount of revenue arising from customs in consequence, and the necessity of permitting foreign vessels to bring merchandise to our shores free of duty, being of paramount importance, therefore,

*Be it Resolved by the Legislature of the State of Texas,* That our representatives be requested to use their influence in the Provisional Congress, to have all the Custom Houses along the seaboard and on the Rio Grande frontier suspended during the blockade, or until our ports are opened to the trade of nations that may have intercourse with this Confederacy.

*Be it further Resolved,* That the Governor be instructed to have a copy of the above preamble and resolution forwarded to our Representatives in Congress.

Approved, December 9th, 1861.

## CHAPTER IV.

*JOINT RESOLUTION.*

*Resolved by the Legislature of the State of Texas,* That we highly approve of the promptness with which the President of the Confederate States has made preparation to retaliate in the event that the Lincoln Government should execute, as pirates, any or all the crew of the privateer Savannah, and we express the decided opinion that retaliation should be strictly and rigidly practiced by our Government in all such cases.

*Resolved,* That the Governor of this State, transmit a copy of this resolution to our members in the Confederate Congress, and that they lay it before President Davis.

Approved December 9th, 1861.

## CHAPTER V.

*JOINT RESOLUTION proposing an amendment to the State Constitution,*

*Be it resolved by the Legislature of the State of Texas,* That the 3d section of the 10th article of the Constitution of the State shall be so amended as to read as follows, viz:

SECTION 3. All public lands which have been heretofore or may hereafter be granted for public schools, to the various counties in this State, may be sold by the County Courts of each county to which the lands belong, or by such tribunals as may succeed to their jurisdiction, by consent of a majority of the legal voters in said counties, and under such general rules as the Legislature may from time to time prescribe; *provided,* that the proceeds of the sale of such lands shall be retained and invested as a permanent School Fund, for the counties owning the same.

Approved December 11th, 1861.

## CHAPTER VI.

*JOINT RESOLUTION requesting our Senators and Representatives in Congress to procure the passage of an act to pay Deputy Marshals the balance due them for taking the Census.*

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That our Senators and Representatives in Congress are requested to urge the passage of an act to pay to all Deputy Marshals in the State of Texas the balance due them from the Government of the United States, for services rendered by

them in taking the census for the year 1860, under the provisions of the laws of the United States.

SEC. 2. That this joint resolution take effect from and after its passage.

Approved January 9th, 1862.

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## CHAPTER VII.

*JOINT RESOLUTION to authorize and require the Adjutant General to collect the necessary information to make a register of the State troops, and have printed 500 copies of the same.*

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That the Adjutant General be, and he is hereby authorized and required, to collect such information as may be necessary to make a register of all State troops that have been or may hereafter be called into the service of the State, or Confederate States, during the war, and have printed in pamphlet form 500 copies of the same for distribution; provided, that the Adjutant General shall procure said printing to be done by the paper that will do the same for the least amount of money.

SEC. 2. The sum of three hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry this resolution into effect.

SEC. 3. This joint resolution shall take effect and be in force from its passage.

Approved January 10th, 1862.

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## CHAPTER VIII.

*JOINT RESOLUTION authorizing the Governor to appoint an agent to take possession of the Salt Lake known as 'El Sol del Rey,' and to pay over the revenues arising therefrom to the State.*

*Whereas,* a valuable Salt Lake exists in Hidalgo county, known as "El Sol del Rey," which was reserved as the property of the crown of Spain, the title to which became vested in the State of Texas, which title, inasmuch as said lake could not be lawfully patented, could not be lost by prescription; and whereas, it is desirable to secure the revenues of the said lake for the State, and at the same time supply the people with salt at a reasonable rate, therefore—

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That by this joint resolution, which is to take effect from and after its passage, the Governor is authorized and required to appoint an agent whose duty it shall be to take and hold possession of the salt lake mentioned in the preamble hereof, in behalf of the State of Texas, and to collect and pay over the revenues arising therefrom into the Treasury of the State.

SEC. 2. That said agent shall sell the salt at the customary rates, except so far as he may be empowered to alter the price by express written instructions from the Governor.

SEC. 3. That said agent shall, before entering upon his agency, execute a bond, (to be approved by and lodged with the Comptroller,) with good and sufficient sureties, in the penalty of ten thousand dollars, for the faithful performance of his duties; and the said agent shall receive a salary of not less than one thousand nor more than twelve hundred dollars per annum, at the discretion of the Governor, for his services, which payment of salary shall be conditioned that it be paid out of such money as the agent may receive from the sale of the salt; and the agent is hereby required to make reports to the Comptroller by the 1st day of July in each year, and at such other times as the Governor may direct, of his proceedings as such agent, and pay over at such times to the Comptroller, such money as he may have on hand; and he shall be allowed in addition to his salary such mileage as is allowed to Assessors and Collectors of taxes for going to and returning from the capital.

SEC. 4. That said agent shall hold his appointment for two years, at the pleasure of the Governor, and until his successor shall be appointed.

SEC. 5. That the Governor is hereby authorized and empowered to instruct the Sheriff of Hidalgo county, or some other person to be appointed by him, to place the said agent in possession of the said salt lake, and he is hereby further empowered to detail a sufficient number of the militia, or of such troops as may be in the service of the State, as may be necessary to maintain the said agent in the possession thereof.

SEC. 6. That in case any person or persons shall claim to have title to said salt lake, such person or persons shall have the privilege of suing the State at any time within one year from and after the taking possession of the same by the State, and not thereafter, in the District Court having jurisdiction of the same; provided, that such person or persons shall, in their petition, set forth clearly and fully how the title claimed originated, and how it is derived, filing with it certified copies of each of the title papers intended to be adduced and relied on at the trial; and provided further, that service of certified copies of such petition, and copies of such title papers upon the Attorney General shall be held to be sufficient service upon the State.

Approved, January 10, 1862.

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## CHAPTER IX.

*JOINT RESOLUTION in relation to Public Printing for the Ninth Legislature.*

*Be it Resolved by the Legislature of the State of Texas, That the Secretary of State, Comptroller, and Treasurer, or a majority of them, be required to proceed immediately after the adjournment of the Ninth Legislature to contract for the Public Printing as nearly as may be in accordance with existing laws; and that this resolution take effect, from and after its passage.*

Approved January 14th, 1862.

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## CHAPTER X.

*JOINT RESOLUTION providing for the sale of Oldham and White's Digest.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the Secretary of State, after advertisement in not less than three newspapers in the State, to sell the copies of Oldham and White's Digest now in his office belonging to the State, at such prices as he may deem proper, but in no event at less than the original cost per volume, including the expense of sale. Provided, however, that the Secretary of State shall reserve from sale a sufficient number of said Digests to supply the various officers of the State as required by law.*

SEC. 2. *The Secretary of State shall pay into the State Treasury quarterly, the proceeds arising from the sale of said digests; and this resolution shall be in force from and after its passage.*

Approved January 13th, 1862.

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## CHAPTER XI.

### *JOINT RESOLUTION.*

WHEREAS, a crisis has arrived which involves the civilization, institutions, political and social rights of the people of Texas, making it proper and expedient that the Representatives in the Legislature should, in the most solemn manner, declare to her sister States, composing the Confederate States of America, and to the world, her settled conviction of the wanton injustice of the war now waged against them by the Northern States, and of her unflinching determination to co-operate with her sister States in prosecuting the war to a triumphant termination by all means, and at all hazards. And, whereas, it is a historical fact, known to the nations of Europe, that the independence of the thirteen original Colonies was separately acknowledged, and that these



distinct sovereignties formed a voluntary union, under the name and style of the United States of America; while it is a fact known to the people of the United States, that these sovereign States never did merge their sovereignty into the Government of the United States, but that they only delegated to it certain expressed, limited and specific powers, while they reserved to themselves the exercise of all other powers, not so delegated, and lest it should be inferred that they had parted with their sovereignty, several States, and Virginia among the number, did, along with the act of entering the Union, declare their right of withdrawal, and notwithstanding those decisive facts the right is denied us, and the amazing spectacle is presented to the world of the attempt to ignore the sovereignty and rights of thirteen States, and by war to subjugate and hold in vassalage 10,000,000 of people, thus seeking to overthrow the fundamental principles which underlie the theory of our Government, and upon which the whole system rests—and in the destruction of which there is inseparably joined the submission and overthrow of Republicanism; and, whereas, we declare, that for the sake of the Union such as was bequeathed to us by a common ancestry, we have for long years submitted to enormous taxation, and to a monopoly of the coasting and fishing bounties. But not content with this odious system of material robbery, they have sought to rob us of our just reputation abroad. And not only so, but through misrepresentation we are regarded as the destroyers of the Union, and themselves as politically striving to preserve it, when in fact they have long since destroyed it, all but in name, and are to-day the willing subjects of a coarse and vulgar despotism. But notwithstanding all this, it was not until they denied us equality in the Union, and had succeeded by a sectional issue in placing in power a President, and in the halls of Congress a majority, pledged to carry out these measures, that the people of the South rose up in their majesty and accepted the issue of war rather than submit to the disgrace of social and political inequality. For many years they have been engaged in making a moral war upon us, and now after thus assailing us and our institutions, they have actually invaded our territory, with fire and sword, proclaiming in advance the confiscation of our property, the appropriation of our homesteads, and if possible, by means of servile insurrection, to shed the blood of helpless infancy and age, having already practiced outrages upon defenceless women too horrible for utterance. And whereas, we now solemnly declare that there is no common bond of union between the North and South, and further, that there is no homogeneity either in moral or religious sentiment or pursuits. And whereas, we hereby congratulate our sister Confederate States upon the wisdom of our rulers, the skill of our Generals, the valor of our soldiers and the general success of our cause, and assure them that the people of Texas are even more than ever prepared to devote their entire and united energies to the successful prosecution of this war, whatever proportions it may assume or whatever sacrifices it may demand. Therefore,

*Resolved*, 1st, That the people of Texas do hereby assure her sister Confederate States and the world that she stands ready with heart and hand to resist our invaders until their last soldier is driven from our borders, and until we shall conquer an honorable and glorious peace.

2d. That we reiterate the declaration that the States which composed the United States did not merge their sovereignty into that Government, but that they entered into a voluntary compact, and that they had the right of their own volition to withdraw, and that the attempt by fire and sword to compel them to remain in the Union, would, if successful, blot out the sovereignty and existence of the seceded States, and place in vassalage 10,000,000 of free people.

3d. That the Southern States have, in the extreme patience with which they have submitted to oppressive legislation, given indubitable evidence of their love for the Union framed by our fathers.

4th. That the pretensions of patriotism on the part of the North, in waging a war for the Union, is an enormous falsehood, and that their sole object in

its preservation, is that they may continue to plunder the South, and retain the power to render us the victims of their avarice.

5th. That the proximate cause of the dissolution of the Union was that the North had the power and had avowed the determination to deprive the South of social and political equality.

6th. That we hold them up before the world, with all their pretensions to superior civilization, as waging a war so barbarous as to be unknown to the warfare of civilized nations, and such as is disgraceful to the era in which they live.

7th. That we utterly disclaim all affinity, all brotherhood with them, and that we rejoice that we have escaped the contaminating influence of their base fanaticism.

8th. That no overtures of peace should be considered which do not as an indispensable pre-requisite propose the recognition of the Independence of these Confederate States, and that any offer on the part of the enemy to treat of peace which does not propose the recognition of our Independence, in advance, and to make that recognition the basis of negotiations, is an insult to our people and Government, and should be spurned as such.

9th. That we have unlimited confidence in the wisdom of our President, the skill of our Generals, the courage of our soldiers, and in the final and glorious triumph of our cause.

10th. That the Governor of this State be requested to forward a copy of these resolutions to each of our Representatives in Congress, and to the Governor of each of the Confederate States, with a request that they be laid before their respective Legislatures.

Approved January 13th, 1862.

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DEPARTMENT OF STATE, }  
AUSTIN, TEXAS, May 29th, 1862. }

I, C. S. West, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing Laws and Joint Resolutions of the Ninth Legislature, with the originals now on file in the Department of State, and that they are true copies of such originals.

I further certify, that the Ninth Legislature of the State of Texas, assembled on Monday, 4th of November, 1861, and adjourned on the 14th day of January, A. D., 1862.

In testimony whereof, I have hereunto set my hand, and affixed the Seal of the Department of State the day and date above written.

C. S. WEST,  
Secretary of State.









