

AN ACT

To Incorporate the Town of Nacogdoches and other Towns herein named.

SEC. 1. Be it enacted, by the Senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of the town of Nacogdoches, be and are hereby declared a body corporate and politic, under the name and style of the "Corporation of the town of Nacogdoches," who shall have the power of suing and being sued, of pleading and being impleaded, and to hold and dispose of real and personal property within the limits of said corporation.

SEC. 2. And be it further enacted, That it shall be the duty of said citizens to elect eight aldermen, a presiding officer or mayor, a treasurer and secretary; who shall be selected by them from their own body; that a collector shall be elected by said citizens; the treasurer and collector being required to give satisfactory security, and make reports when required by the mayors warrant; that the corporation shall elect one constable; and the mayor when necessary to suppress riots and disturbances, shall have power to call out the posse, for the purpose of restoring order.

SEC. 3. Be it further enacted, That the first election shall be held under the direction of the chief justice of the county, after having given ten days notice thereof, and annually afterwards by the presiding officer, at least ten days prior to the expiration of his term of office, and that in case of death or resignation, the vacancy or vacancies shall be filled by new elections.

SEC. 4. Be it further enacted, That no person shall be eligible to hold an office in said corporation or to vote for the members of said body, unless he shall be the owner of real estate in said town, and shall have acquired the rights of citizenship in conformity with the laws of this republic.

SEC. 5. Be it further enacted, That it shall be the duty of the aldermen from time to time to pass such rules and ordinances for the regulation of the police and preservation of order, within the corporation limits as may be necessary, to levy taxes for the removal of nuisances, and keeping the streets in order, and prescribing the penalties; Provided, however, than to tax shall be levied unless by consent of two thirds of the aldermen present: it being assessed accordingly to the valuation of property, and when a meeting is called for this purpose, the object

must be stated in the notice, and for the collection of which personal property alone shall be subject to be seized.

SEC. 6. Be it further enacted, That to guard against accidents by fire, the citizens shall be required to keep in readiness hooks, ladders and buckets.

SEC. 7. Be it further enacted, That whereas there being sundry public lots of ground in said corporation which are now useless, the aldermen shall and are hereby authorized and empowered in conjunction with the county court of that county, to alienate said lots, or such portion thereof as they may deem advisable; the proceeds of such sale or sales, to be by them jointly appropriated to the construction of a court house, jail, and such other building or buildings as they may think necessary.

SEC. 8. Be it further enacted, That the said aldermen shall have the privilege of establishing schools within said corporation.

SEC. 9. Be it further enacted, That the rules and ordinances of said corporation shall not be contrary to the constitution and laws of this republic.

SEC. 10. Be it further enacted, That the towns of San Augustine, Texana, Washington, Brazoria, Columbia, Velasco, Richmond, Matagorda, Columbus in Colorado county, and Independence in Washington county, and the city of Houston, Bexar, Nashville, Sarahville, Anahuac, Bevilport and Harrisburg, be and the same are hereby incorporated, and shall each have the powers, and to be governed by the rules that are herein enacted for the incorporation and government of the town of Nacogdoches.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the Attorney General to Report to the Next Session of Congress.

Be it resolved by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the attorney general is hereby required to report to the next session of con-

was entitled under the colonization law then in force, to one league and labor of land, or any part thereof; and whereas, neither the widow nor heirs of the said Robert Earl have since received the said land to which the said Robert Earl was entitled; therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to the heirs of Robert Earl, deceased, a certificate for one league and labor of land, to be located on any of the vacant and unappropriated lands of this State.

Sec. 2. Be it further enacted, That when said certificate is located and the land surveyed and the field-notes returned to the General Land Office, and payment of government dues in accordance with law, it is hereby made the duty of the Commissioner of the General Land Office to issue a patent thereon.

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

Approved, January 28, 1850.

CHAPTER LXXIV.

An act to declare John James Elliott the legitimate child of William Elliott and Polly Elliott, of the county of Rusk.

Section 1. Be it enacted by the Legislature of the State of Texas, That John James Elliott be, and he is hereby declared to be the legitimate son of William Elliott and Polly Elliott, of the county of Rusk, with full rights and qualifications to take property by inheritance or otherwise, from, by or through his said parents, or any other person, in the same manner as other children of his said parents begotten in lawful wedlock.

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

Approved, January 28, 1850.

CHAPTER LXXV.

An act to amend an act entitled "an act to incorporate the city of Nacogdoches," approved March 16th, 1848.

Section 1. Be it enacted by the Legislature of the State of Texas, That the second section of the above recited act be, and the

same is hereby amended so as to read as follows, to wit: The limits of said corporation shall be one square mile, of which the courthouse shall be the centre; the boundary lines of said corporation to be run and plainly marked by a competent surveyor, whom said corporation may employ for that purpose, and whose fees shall be the same as are provided for by law, to be paid out of any funds in the treasury of the corporation not otherwise appropriated.

Sec. 2. Be it further enacted, That the fourth section of said act shall be amended so as to read as follows: The election under this act shall be held on the first Mondays of April in each of every year; the first election after the passage of this act to be held under the direction of the Chief Justice of the county of Nacogdoches, or in case of his absence or inability to act, by any two County Commissioners, after giving ten days notice thereof; and thereafter said election shall be held under the direction of the Mayor, at least ten days prior to the expiration of his term of office, and that in case of death or resignation, the vacancy shall be filled by new elections.

Sec. 3. Be it further enacted, That all after the word "corporation," in the fifth line of the sixth section of the above recited act be, and the same is hereby repealed.

Sec. 4. Be it further enacted, 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 and be in force from and after its passage.

Approved, January 28, 1850.

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CHAPTER LXXVI.

An act for the relief of A. Balleuill.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office of the State be, and he is hereby authorized and required to issue to A. Balleuill a certificate for six hundred and forty acres of land, to be located on any vacant and unappropriated lands within this State.

Sec. 2. Be it further enacted, That upon the return of the survey and field-notes under said certificate to the General Land Office, and after the payment of all government dues, it shall be the duty of the Commissioner of the General Land Office to issue

CHAPTER 225.

Joint Resolution for the Relief of Henry M. Smith.

Whereas, Henry M. Smith was permanently disabled in battle in defence of his country; and whereas, grants of land have heretofore been made to others, who have been so disabled, Therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby required to issue to Henry M. Smith, a certificate for one League and one Labor of Land, to be located on any of the vacant and unappropriated lands of this State.

Sec. 2. That when said certificate is located, and the land surveyed, and the field notes returned to the General Land Office, in accordance with law, it is hereby made the duty of the Commissioner, to issue a patent thereon.

Sec. 3. That this Joint Resolution take effect and be in force from and after its passage.

Approved, March 16, 1848.

CHAPTER 226.

An Act to be entitled an act to incorporate the City of Nacogdoches.

Section 1. Be it enacted by the Legislature of the State of Texas, That the citizens of Nacogdoches be, and are hereby declared a body corporate and politic under the name and style of the "Corporation of the City of Nacogdoches," who shall have power of suing and being sued, or pleading and being impleaded, to hold and dispose of real and personal property within the limits of said corporation.

Sec. 2. That the limits of said corporation shall be as follows, to wit: Bridget's bayou to be the western boundary; the bayou LaNana, to be the eastern boundary; and a line to be run from said bayou LaNana to Bridget's bayou, due east

and west, so far as to include within the limits of said corporation the residences of James H. Starr and John Noblett, which line is to be the northern boundary line of said corporation; and it shall be the duty of the Mayor and Board of Aldermen to employ a legally authorized surveyor to run and plainly mark said boundary lines, within one month after the organization of the corporation under this act, a certified copy of the plat and field notes of said survey, shall be delivered to the principal Surveyor of the Nacogdoches Land District, whose duty it shall be to plot the same on the map of said land district, and one certified copy of said field notes shall be transmitted to the Commissioner of the General Land Office, where the same shall also be represented on the map of said land district.

Sec. 3. That it shall be the duty of said citizens to elect eight Aldermen, and that a presiding officer or Mayor, a Treasurer and Secretary, shall be elected by the Aldermen from their own body; and that a Collector and Corporation Constable be elected by said citizens; said Treasurer and Collector being required to give a bond with sufficient security, to be approved by the Mayor; which bond shall be recorded in the office of the Clerk of the County Court, and then filed with the Secretary of the corporation: the Treasurer and Collector shall make reports when required by the Mayor's warrant.

Sec. 4. That the first election under this act shall be held on the first Monday in May next, under the direction of the Chief Justice of the county, after giving ten days notice thereof, and annually thereafter by the Mayor, at least ten days prior to the expiration of his term of office; and that in case of death, or resignation, the vacancy shall be filled by new elections.

Sec. 5. That no person shall be eligible to any office in said corporate body, or entitled to vote for corporation officers, unless he shall be a citizen of the State of Texas, and shall have resided at least six months, and owns or rents real estate in said corporation.

Sec. 6. That the Mayor of the corporation of the city of Nacogdoches shall have jurisdiction and exercise the powers of a justice of the peace over all offences committed against the by-laws, ordinances and decrees of the Mayor and Board of Aldermen within the limits of the corporation; and it shall be the duty of the Chief Justice, after the first election, and annually thereafter the Mayor of said corporation, to notify the Governor of the State of the election of the Mayor: upon the re-

ceipt of such notice, the Governor is hereby authorized and required to issue to the Mayor elect a commission of Justice of the Peace, whose jurisdiction shall be limited by and confined to the by-laws, ordinances and decrees of said corporation.

Sec. 7. That the Mayor and Board of Aldermen shall have power to pass such rules and ordinances as may be necessary for the regulation of the police and the preservation of order within the corporate limits, to levy taxes for the removal of nuisances and keeping the streets in good order, as also, to drain effectually all such swamps and ponds within the corporate limits, as may be deemed necessary to the preservation of the health of the inhabitants of said city; and shall have the further power to prescribe fines and penalties for the violation of such ordinances or by-laws: provided, however, that in no case such fine or penalty exceed one hundred dollars.

Sec. 8. That the Mayor and Board of Aldermen of said corporation shall have the control of all vacant land or lots within the corporate limits, and may dispose of the same, or any portion thereof, the proceeds of which shall be applied to the improvement of said city, in such manner as the Mayor and Aldermen, or a majority may determine.

Sec. 9. That the Mayor and Board of Aldermen shall have power to regulate the streets and squares of said corporate limits, to widen or straighten the streets, close up and make new ones, whenever it may be deemed expedient, having a due regard in all cases to private property, and in all cases making a fair remuneration to the owner or owners of such property, whenever it shall be taken for public uses.

Sec. 10. That the Mayor and Board of Aldermen shall have power to lay a reasonable tax on all persons and property, both real and personal in said city, and shall also be empowered to lay a tax on all taverns and houses of public entertainment, tipling houses, billiard tables, nine or ten pin alleys, upon all merchants, wholesale or retail, and upon all lawyers and doctors in said corporation, to be assessed and collected by the collector of said corporation.

Sec. 11. That all fines and penalties assessed by the Mayor, and collected by him, or by the collector or constable of said corporation, shall be paid to the Treasurer of the corporation to be applied to the improvement of the city, in such manner as the Mayor and board of aldermen or a majority of them may determine.

Sec. 12. That for all services performed by the Mayor or Constable, the same fees shall be allowed them as by law are allowed Justices of the Peace and Constables for similar services.

Sec. 13. That the rules and ordinances of said corporation shall not be contrary to the Constitution of the United States, nor the Constitution and laws of this State.

Sec. 14. That an act entitled "an act to incorporate the town of Nacogdoches, and other towns therein mentioned," approved June 5th, 1837, so far as said act refers to the town of Nacogdoches, be, and the same is hereby repealed; and that this act take effect and be in force from and after its passage.

Approved, March 16, 1848.

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CHAPTER 227.

An Act for the relief of Thomas J. Stell.

Whereas, a certain Land Scrip Certificate for 640 acres, being No. 154, of Class No. 2, issued by the Government of the late Republic of Texas, and now owned by Thomas J. Stell, of the State of Florida, was after its location and survey, accidentally destroyed; and whereas, there is no law now in force, authorizing a duplicate of the same to be issued, by reason whereof, the said Stell is unable to obtain a patent thereon, Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to issue to the said Thomas J. Stell, a patent on said Certificate in accordance with the survey made thereof.

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

Approved, March 16, 1848.

CHAPTER CXXII.

An Act for the relief of the Heirs of Nancy Anderson.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to issue to the heirs of Nancy Anderson, deceased, a patent for her headright league of land, known on the plat of the Montgomery Land District, as league number one, the field-notes of the survey of which made by M. Cummins, are on file in the General Land Office, they paying the dues and fees as in other cases of first class headright claims; but this act shall not affect the legal rights of any third party.

Sec. 2. This act shall take effect from its passage.

Approved, February 11, 1852.

CHAPTER CXXIII.

An Act supplementary to an act approved January 28, 1850, concerning the Incorporation of the City of Nacogdoches.

Section 1. Be it enacted by the Legislature of the State of Texas, That whereas many of the ancient records relating to lots within the city of Nacogdoches, have been lost, or are in an imperfect condition, and in order to quiet titles to real estate within said city, the corporation of said city is hereby invested with full power to release the corporation title to any lot or lots within said city in favor of individual claimants on such terms as may be deemed just and equitable, and to compromise with adverse claimants generally, receiving and granting releases of title as may be agreed on for the purposes mentioned.

Sec. 2. That said corporation is fully empowered to sell and make title to any vacant lots or grounds which were embraced within the limits of said city, as surveyed in the year A. D. 1837, and not included within the corporate limits as now defined.

Sec. 3. That the second section of the act aforesaid, approved January 28, 1850, be, and is hereby repealed, and the following enacted in lieu thereof: "The annual elections under this act may be held on any day in the month of March, after ten days notice by the Mayor or presiding officer of the board of Aldermen: and in case of failure to hold such election in the

month of March, the same may be held at any time thereafter by the Chief Justice of the county after ten days notice, as aforesaid; and the Aldermen and officers of said corporation are authorized to act until their successors are qualified."

Sec. 4. That the citizens of said city shall be free from liability to work on the roads and streets, the said corporation being hereby required to keep the roads and streets in good order.

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

Approved, February 11, 1852.

CHAPTER CXXIV.

An Act for the relief of H. F. Holcombe.

Section 1. Be it enacted by the Legislature of the State of Texas, the sum of one hundred dollars be, and the same is hereby appropriated to the use and benefit of A. F. Holcombe, for making and forwarding to the General Land Office, a map of Cass county; and that the same be paid out of any money in the Treasury not otherwise appropriated.

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

Approved, February 11, 1851.

CHAPTER CXXV.

Joint Resolution authorizing and requiring the Treasurer of the State to pay to A. J. Hamilton, Esq., the sum of fifteen hundred dollars, for services as counsel for the State.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Treasurer of the State be, and he is hereby authorized and required to pay, out of any monies not heretofore appropriated in the Treasury, the sum of fifteen hundred dollars to A. J. Hamilton, Esq., for services as attorney for the State, in suit of the State vs. John Delesdenier—the State vs. Williams, and three other cases; and this resolution shall take effect from and after its passage.

Approved, February 12, 1852.