

THE  
LAWS OF TEXAS

1822-1897

*Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with all the Laws, General and Special, passed thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress.*

COMPILED AND ARRANGED BY

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WITH AN INTRODUCTION BY C. W. RAINES.

VOLUME I.

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## COMPILER'S NOTICE.

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This law publication consists of ten large octavo volumes, in sheep, of 1500 pages each, of which this volume is a specimen. It will be issued at the rate of one volume every sixty days till completed; for which the subscribers will pay as they receive them. Perhaps this is the largest and costliest work on private account ever printed in Texas. The collection of the documents cost me much labor and research, in which I was materially aided by Judge C. W. Raines. In perfecting and bringing this work before the public I have spared neither trouble nor expense. It is an exact reprint of the originals or copies, *verbatim et literatim*; I therefore disclaim all responsibility for the spelling and capitalization of words and the punctuation and arrangement of sentences. Conscious of no motive but of being useful to the community, I now submit it to a discriminating public. My hope of remuneration for outlay is in the Texas bar, for whose particular benefit the work was undertaken. But while indispensable to the lawyer, it will also prove a valuable *vade mecum* to the statesman and the historian.

H. P. N. GAMMEL.



## INTRODUCTION.

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This is a compilation of the laws and political documents of Texas from the beginning of the Mexican Republic to the present year.

As rights rest upon even obsolete laws, no distinction is here made between laws obsolete and laws in force. From the scope of the publication, its importance can readily be seen.

The advantage to the legal profession in Texas of having the laws, general and special, of all the sessions, regular and special, of our law-making bodies published in uniform style and convenient form, as herein presented, can not well be overestimated. And in further enhancement of the work, it may be stated that these published laws are exact copies of the authenticated originals in the Department of State at Austin.

Of importance second only to the laws themselves, are the journals and declarations classed under the general head of political documents. The existence of many of these is not generally known even to intelligent men; while others are just brought again to light, after a long disappearance from public view. These are essentially the connecting links of our legal and political history, scarcely less useful to lawyers than to statesmen using their law knowledge in connection with political services, like Webster, or as a basis of political philosophy, like Jefferson. Not a heterogeneous mass, but a related whole, this compilation is the ethical expression of the period covered, or more plainly speaking, the prevailing idea of right and wrong as applied to the social compact.

All knowledge of Texas as a self-governing community, apart from these documents, must necessarily be superficial and unsatisfactory. In recognition of the principle, all historians of Texas draw more or less from these materials; but generally too little, and that in garbled form.

(As might naturally be expected from her origin and frequent changes of dominion, Texas, of all the States in the American Union, has the most complex history, legal and political. Passing over the early and long continued struggle between France and Spain for the mastery in Texas, it only concerns us to know that France left us no laws, and that the rich inheritance of the Spanish

Civil law has come down to us through connection with Mexico. But it was not till the coming of the Anglo-American that respectability attached to Texas and heroism to her history. And this compilation begins with the advent of Austin to Texas, during the expiring agonies of Spanish dominion in Mexico.

First in order among the documents here presented is Austin's Spanish colonization grant, ratified by the Constituent Congress of Mexico, and then the still more important work of that august body, "The Federal Constitution of the United Mexican States," more commonly known in Texas as the "Constitution of 1824," and that followed by the Constitution and Laws of Coahuila and Texas, including the colonization law of Tamaulipas and those of Texas.

As to the documents of the revolution, the Ordinances and Decrees of the Consultation, including the declaration of the causes for taking up arms against Santa Anna, the establishment of the Provisional Government, with its Journal of Proceedings, and the Ordinances and Decrees of the Convention at Washington, including the Declaration of Independence, Constitution, and Journal of Proceedings, are all given.

The war of Texas, aided and to be aided by other Mexican States, was for the maintenance of the Constitution of 1824, the rough draft of which appears to have been prepared by S. F. Austin. Abandoned in the contest by her Mexican confederates, Texas finally struck successfully for independence—a boon not anticipated at the beginning of the struggle. A decade of independence was enough for Texas.

In due order follows:

The Constitution of 1845, with the annexation resolution and ordinance ratifying the same, bringing Texas into the Union, and Constitution of the United States then become the supreme law of the land.

The ordinances and decrees of the Secession Convention on withdrawal of Texas from the Union, with the Constitution of the Confederate States succeeding that of the United States as the paramount law, 1861–65.

The ordinances and decrees of the Union Convention, 1866, on the fall of the Confederacy, with amended Constitution of the State, etc.

Reconstruction Act of Congress, March, 1867.

Ordinances and decrees of the Reconstruction Convention, 1868–69.

The Constitution of 1876, with amendments and attendant documents.

And all the laws and resolutions passed under the preceding Constitutions.

From the foregoing it appears that we have had four organic laws in Texas, to-wit:

The Mexican Constitution of 1824, in force about one decade; federal, and paramount to the State Constitution of Coahuila and Texas.

The Constitution of the Republic of Texas, in force about one decade, and central; Texas having abolished the departments and become "one and indivisible."

The Constitution of the United States, in force about one and one-half decades; federal, and paramount to that of Texas.

Supplanted by the Constitution of the Confederate States for one-half a decade, and then restored and in force about three decades.

With this sum total of the laws, and access to the reports of the courts of last resort, one should only have the usual elementary works for the foundation of a good working Texas law library.

In conclusion, it only remains to add that these volumes are in the nature of original evidence for the student of our jurisprudence, and that nowhere else can it be so well studied as to its origin, character, successive changes, and its present status as a blended system of the Roman Civil Law and the Common Law of England.

C. W. RAINES.

Austin, January 19, 1898.

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# LAWS, ORDERS

AND

# CONTRACT ON COLONIZATION

1821 TO 1829

UNDER WHICH COLONEL STEPHEN F. AUSTIN INTRODUCED  
AND SETTLED EMIGRANTS IN TEXAS.

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TRANSLATED FROM THE SPANISH.

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SALTILLO.

1829



# LAW S, ORDERS

AND

## CONTRACTS FOR AUSTIN'S COLONY.

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*Translation of the Laws, Orders and Contracts on Colonisation from January, 1821, up to 1829; in virtue of which, Colonel Stephen F. Austin introduced and settled foreign emigrants in Texas: with an Explanatory Introduction.*

### INTRODUCTION.

*To the Settlers in what is called "Austin's Colony," in Texas.*

IN order that the settlers, who have been established in Texas, under the authority granted by the government, to Mr. Stephen Fuller Austin, may fully understand the means by which they obtained admission, and procured titles for land in this country, and the nature of those titles, the following succinct narrative is presented to them, as an introduction to the translations of the several laws, decrees and contracts on colonisation, which follow, in the regular order of their dates. Manuscript translations of these documents, have heretofore been made and published, so far as it was practicable to give publicity to them in that shape, and the originals have always been open to the inspection of any one who called at the office for that purpose. The earliest, and only opportunity which has ever occurred, of publishing them in print, is now embraced.

The idea of forming a settlement of North Americans in the wilderness of Texas, originated with Mr. Moses Austin, of Missouri, and after the conclusion of De Onis's treaty in 1819, efforts were made by him to put matters in train for an application to the Spanish government in Spain. If the application succeeded, it was contemplated to remove a number of families in a body, through Arkansas territory; and as a preparatory step, his son, Stephen Fuller Austin, was sent to Long Prairie, on Red river, with some hands, &c., for the purpose of opening a farm near the boundary line, which it was thought would be useful, to furnish provisions, and afford facilities to emigrants; and a resting place, until some preparation could be made in the wilderness of Texas. It was thought that the farm could be advantageously sold afterwards, or continued as a cotton plantation, should the enterprise totally fail. At that time, there were but three families at Long Prairie, and Hempstead county had just begun to settle. In answer to the inquiries of the elder Austin, as to the best mode of laying the subject before the Spanish government, he was advised to apply to the Spanish authorities of New

Spain. He accordingly undertook the journey, from Missouri to the capital of the province of Texas. The information collected by the younger Austin, on Red river, had convinced him that the route by way of Natchitoches, or by water from New Orleans, was much preferable to the one originally contemplated through Arkansas territory; which, added to the unhealthiness of the situation at Long Prairie, and other circumstances, caused an abandonment of the farming project at that place; and he met his father at Little Rock in the summer of 1820. It was there arranged, that the father should proceed to the capital of Texas, and the son to New Orleans; the former to see what could be done by an application to the Spanish authorities of New Spain; and the latter to make some preparatory arrangements in New Orleans, for facilitating the transportation of families, furnishing supplies, &c., and also, to be ready to proceed to the Havana, in the event of its being necessary to have recourse to the government in Spain.

The elder Austin arrived at Bexar, the capital of Texas, early in December, 1820, and, on presenting himself to the governor, he received a peremptory order to leave that capital instantly, and the province, as soon as he could get out of it. This order was issued in consequence of the general regulations then existing, prohibiting any foreigner from entering the Spanish territory, without a specific description of passport. There was no remedy; and he left the governor's house to prepare for his departure. In crossing the public square, he accidentally met the Baron De Bastrop, with whom he had a slight acquaintance, in the United States many years previous. Mr. Austin became a Spanish subject in Upper Louisiana, in 1799, and De Bastrop went to the governor with the documents which he had brought with him to prove the fact; a second interview was thus obtained with the governor, and after several days deliberation, and consultation with the *cabildo*, a memorial was presented by Mr. Austin, asking for permission to settle three hundred families in Texas; which was sent on to the superior government of the eastern internal provinces, strongly recommended by the local authorities of this province.

He left Bexar in January and arrived in Missouri in the spring, and immediately set about making the necessary preparations for a removal to Texas, as soon as he should hear of the success of his application. His preparations, however, were greatly retarded by ill health, and on his return in the winter through Texas, he suffered greatly from exposure to bad weather, swimming and rafting rivers and creeks, and for want of provisions; for at that time, Texas was an entire wilderness, from Bexar to the Sabine. Nacogdoches and the settlements in its vicinity had been totally broken up, and the inhabitants driven off by the expedition that was sent the year before by the Spanish government against the revolutionists in that quarter. He reached Natchitoches, on his return, much afflicted by a severe cold that had settled in his breast, and which terminated in an inflammation that finally ended his existence in Missouri, a few days after he had received information of the success of his application. He left a request that his son Stephen should prosecute the enterprise, which he had thus commenced, of forming a settlement in Texas.

Mr. Moses Austin was a native of Durham, in the state of Connecticut, and much distinguished for enterprise and perseverance. At the age of

twenty he married Miss Maria Brown, in Philadelphia, and soon after established a commercial house in Richmond, Virginia, in partnership with his brother Stephen, who was at the head of an extensive importing house in Philadelphia. They afterwards purchased the lead mines, called Chissel's mines, on New river, Wythe county, Virginia, to which he removed and established a regular system of mining and smelting shot, sheet lead, and other factories of lead, for which purpose, miners and mechanics, in those branches; were introduced from England; for, at that time, manufactories of this description, were in their infancy in the United States. Revolutions, incident to extended commercial business, and to adventurous enterprise, brought on a reverse in both the Philadelphia and Virginia houses, and Mr. Moses Austin having received flattering accounts of the lead mines of Upper Louisiana, (now Missouri,) he determined to visit that distant and then unknown country. Accordingly, having procured the necessary passports from the Spanish minister, he visited upper Louisiana in 1797, and procured a grant from the governor general, Baron de Carondelet, for one league of land, including the *Mine-a-Burton*, forty miles west of St. Genivieve; and after closing all his affairs in the United States, he removed his family and a number of others from Wythe county, by a new and almost untried route, down the Kanhaway river, to his new grant, in 1799, and laid a foundation for the settlement of what is now called Washington county in Missouri. The family of his nephew, Elias Bates, was the first, and his own, the second, that ever spent a winter at Mine-a-Burton, now Potosi. The early settlers of that place and county, will bear ample testimony, as to his enterprise, public spirit, and honorable character; which qualities, in fact, brought on another reverse of fortune, and caused him to turn, with unabated ardor, in the decline of life, to a new and hazardous enterprise, in the wilderness of Texas.—It is hoped the reader will pardon this digression; it was thought due to the real author of that enterprise, which has led to our location in this country.

The memorial of Moses Austin was granted on the 17th of January, 1821, by the supreme government of the eastern internal provinces of New Spain at Monterey. It gave permission to said Austin to introduce three hundred families in Texas. A special commissioner was despatched by the governor of Texas, in conformity with the orders of the commandant general, Don Joaquin de Aredondo, to the United States, for the purpose of communicating to Mr. Austin the result of his application, and of conducting the said families, in a legal manner, into the country. This commissioner was Don Erasmo Seguin, a very respectable citizen of Bexar.

S. F. Austin, who was in New Orleans, as before stated, having received information of the arrival of the commissioner, Don Erasmo Seguin, at Natchitoches, proceeded to that place, and there heard the death of his father. He then determined to accompany the said commissioner to Bexar, explore the country, and make such further arrangements as might be necessary to prosecute the enterprise. He accordingly started from Natchitoches the 5th July, 1821, with seventeen companions, in company with said commissioner, and some other gentlemen from Bexar, among whom was Don Juan Martin Berrimendi, also a respectable citizen of that place. The whole company arrived in the capital of Texas, on the 10th of August, by the upper or San Antonio road. He was

kindly received by governor Martinez, who granted him a general permission to explore the country on the Colorado river, sound its entrance, harbor, &c., and select such a situation as he might consider the most advantageous for the new settlement.

The governor requested Austin verbally, to furnish a plan for the distribution of land to the new settlers; he accordingly proposed one, which, in his opinion, was sufficiently advantageous to the settlers, and at the same time, adapted to the wilderness state of the country, which required a compact location, to ensure safety from the Indians. The basis established in the plan proposed, was, to give each head of a family and each single man over age, six hundred and forty acres, three hundred and twenty acres in addition for the wife, should there be one, one hundred and sixty acres in addition for each child, and eighty acres in addition for each slave. This plan was presented in writing, and Austin received authority from the governor to promise that quantity to the settlers. He was also commissioned by the governor to take charge of the local government of the new settlement, until it could be otherwise organised.

He departed from Bexar the last of August, and from La Bahia, (now Goliad,) the 10th of September. At the latter place he procured a guide from the alcalde, in virtue of an order to that effect from the governor. His company was now reduced to nine men, the others having returned from La Bahia to the United states. He explored the river Guadalupe, down to the bay, and attempted to follow round the bay shore to the mouth of the Colorado; but finding that the guide knew nothing of the route, after leaving the Guadalupe, and frequently involved the company in difficulties among the numerous tide inlets; he dismissed him, and bore up north until he struck the road of the crossing of La Baca, and explored the Colorado and Brazos, as far as was practicable, and sufficient to convince him of the fertility of the country on those two rivers; and its eligibility for the new settlement. On his return to Louisiana, he published in the newspapers a notice of the contemplated new settlement, stating the quantity of land which he was authorised by the governor's letter of the 19th of August, to promise; and also stating that each settler must pay twelve and a half cents per acre—he, Austin, taking upon himself all the cost of surveying, and all other costs and fees or charges of whatever kind, as well as the translating, trouble and labor of attending to the business, and procuring the titles, &c. Said sum was to be paid after receipt of title, in instalments. This twelve and a half cents per acre was also designed to provide for the defence of the new settlement against the hostile Indians, to furnish supplies to aid poor emigrants, and to defray the necessary expenses of the local government. He also considered that he was justly entitled to a remuneration for his labor and expenses, and he run the risk of saving something for himself out of said funds: his father had also expended much time and money in the enterprise; besides the fatigue, privations and sufferings of such a journey, as that from Potosi, in Missouri, to Bexar and back again; the most of it through a wilderness. It was evident that a fund was necessary, or the settlement must fail. A moment's reflection showed the utter impracticability of attempting to raise it by voluntary contribution or subscription amongst the settlers, and the plan of a tax on each settler would have been kindling a volcano under the cradle of the enterprise. There was, in fact, no other safe mode but to make it

a matter of voluntary contract, formed and entered into, by and between Austin on the one part, and the settlers on the other; and in order to give due notice of said contract, to all concerned, it was published in the newspapers, so that each might know, before he started from his former residence, to emigrate, on what terms he would be received; and the act of applying for admission, as one of the 300 settlers, was an acceptance by the applicant, of the terms offered, and a ratification on his part, of said contract, whether he specially signed a bond to that effect or not. Austin consulted the governor of Texas on this subject; and after explaining its nature and objects, he asked the opinion of the governor, as to whether the government would be likely to interfere with such an arrangement, between him and the settlers. The governor observed, that the government would expect a strict compliance, as to the number and description of settlers, but he could see no reason why it should interfere with any private arrangement, legally and fairly made with them, of the kind indicated. The case was supposed that should 900 families apply for admission, only 300 of them could be received, and he should therefore say to them, those who pay me a certain sum will be admitted. The opinion was expressed that if no fraud, or deceptive allurements were held out, to mislead, even such an arrangement as that, freely and voluntarily made, and understood by all parties, would not be interfered with by the government; he observed, however, that it was merely a matter of opinion with him, as he could not say what the superior government might do in such cases. Under this view of the matter, and for the objects of general utility, before explained, Austin adopted the plan he did, in regard to the twelve and a half cents per acre. This explanation is given, because this subject belongs properly to the history of the land titles; and it is one about which there has been some erroneous impressions. It is very evident that mere speculation was not the object, as some have stated, for but little would have been left, at best, after paying the expense of surveying, the office fees, the commissioner's fees, the stamp paper, and defraying the other necessary expenses; the object, therefore, must have been the general good of all, and not the private speculation of one individual.

In December, 1821, Austin arrived on the river Brazos, at the La Bahia road with the first emigrants, and the new settlement was commenced in the midst of an entire wilderness. Without entering into a detailed history of the settlement, and noticing all the difficulties, privations and dangers that were surmounted by the first emigrants, it is sufficient to say, that such a detail would present examples of inflexible perseverance and fortitude, on the part of those settlers, which have been seldom equalled, in any country or in any enterprise.

In March, Austin proceeded to Bexar, to make his report to the governor, where he was informed for the first time, that it would be necessary for him to proceed immediately to the city of Mexico, in order to procure from the Mexican congress, then in session, a confirmation of the permission to Moses Austin, and receive special instructions, as to the distribution of land, the issuing of titles, &c.

It should have been stated before, that Austin received the first positive information of the revolution, and plan of Iguala, of the 24th February, 1821; and of the complete independence of Mexico, on his arrival at Bexar, in August of that year; so that the official acts of governor

Martinez, relative to the new settlement, dated in August, 1821, were from a governor of the independent Mexican nation, and not from a Spanish governor. For this reason, the intimation as to the trip to Mexico, was totally unexpected, and very embarrassing; for not calculating on any thing of the kind, he had not made the necessary preparations for such a journey. There was no time for hesitation; arrangements were made for Mr. Josiah H. Bell to take charge of the new settlement, and Austin departed for Mexico, a journey of 1200 miles by land.

The Mexican nation had just sprung into existence. The galling chains of Spanish despotism had been gloriously thrown off, but the necessary restraint of law, system, and local police, had not yet been sufficiently established; much disorder prevailed in consequence, in many parts of the country; and the roads were infested in many places, with deserters, and the lawless bands of robbers. Austin, however, arrived in the great capital of this nation, on the 29th of April, 1822, without any other accident than being overhauled, and partially robbed by a war party of 54 Comanches, on the river Nueces, about one hundred miles beyond Bexar. From Monterrey he had one companion, Lorenzo Christie, who had been a captain, in general Mina's expedition. They both disguised themselves, in ragged clothes, with blankets, &c., in the same style, as to pass for very poor men, who were going to Mexico, to petition for compensation for services, in the revolution. Their passports explained to the several authorities, as they passed, who they were, and many friendly cautions were given as to the robbers.

The national congress had been in session since the 24th of February of that year. The form of government, as then established, was a limited monarchy, in conformity with the plan of Iguala, and treaty of Cordova, and the Spanish constitution was provisionally adopted. The executive department was administered by a regency, of which, the generalissimo, Don Agustin Iturbide, was president. The state of political affairs in the capital, at this time, was very unsettled. Generals Victoria and Bravo, and several other republican leaders of rank, who had been imprisoned by Iturbide in November, for opposing his ambitious designs, had escaped from confinement, not long before; serious dissensions had already arisen between the generalissimo and congress; the regency were divided, and in discord among themselves; Yanez, one of its principal and most liberal members, having had a personal dispute of great warmth with Iturbide, during one of the sittings, in which the terms "traitor," "usurper," &c., were mutually passed; the friends of liberty were greatly alarmed at the ascendancy which the generalissimo had acquired over the military, and lower class of the populace; and every thing indicated an approaching crisis. Accordingly on the night of the 18th of May, the soldiery and populace, headed by sergeants and corporals, proclaimed Iturbide emperor. It was a night of violence, confusion and uproar. The 700 bells of the city, pealing from the steeples of monasteries, convents and churches; the firing of cannon and musketry from the different barracks; and the shouts of the populace in the streets, proclaimed to the true friends of freedom, that a few common soldiers, in union with a city mob, had taken it upon themselves to decide the destiny of Mexico, and to utter the voice of the nation. The session of congress on the 19th was held, surrounded with bayonets,

and the man who was thus proclaimed by a rabble, amidst darkness and tumult, was declared by a decree of the majority of that body, to be emperor of Mexico.

In such a state of political affairs, all that a person could do, who had business to transact with government, was to form acquaintances, try to secure friends, and wait for a favorable opportunity. Austin adopted this course, and devoted the principal part of his time to studying the Spanish language; for when he arrived at Mexico, he labored under the disadvantages of being a foreigner, a total stranger, and ignorant of the language of the country, except what little he had acquired in his first trip to Bexar, and on his journey to the capital.

On the examination into the state of this colonisation business, he found that the regency had decided, that the governor of Texas, Martinez, was not sufficiently authorised to stipulate what quantity of land the new settlers were to get, as he did, by his letter to Austin, of 19th August, 1821, and that this point must be settled by a law of congress: for which purpose all the documents relative to said new settlement, were transmitted by the regency to congress. This at once explained the reason, why governor Martinez urged Austin to go to Mexico, for he was doubtless well aware, that in the then existing state of political affairs, nothing would be done in the business unless some one was present to attend to it.

Austin endeavored to procure the despatch of his business by means of a special law, but found it to be impracticable, owing to several petitions having been presented for colonies, which gave rise to an idea among the members, that a general colonisation law ought to be passed, and that all should be placed on the same footing; nothing, therefore, could be done, until such a general law was enacted. A standing committee on colonisation had been appointed, previous to his arrival in the city, to which his business was referred. This committee made some progress towards settling the basis of a law; but the coronation on the 21st July, the dissensions between the emperor and congress, the general alarm amongst the liberal members, at the strides of the former towards absolute power; the events which grew out of the violent proceedings of the 26th August, when fourteen of the principal members of congress were seized in their beds and imprisoned; added to the necessary attention to the revenue, and financial departments, and to national affairs generally, precluded any advancement in a matter which was considered to be so comparatively unimportant, as a new settlement amongst barbarous savages, 1200 miles distant, in the wilderness of Texas. Notwithstanding the many embarrassments, however, which retarded the business, the committee on colonisation reported a general colonisation law; the discussion of which had proceeded, in detail, to within three articles of the end, when, on the 31st of October, the congress was turned out of doors by an armed force, acting under a decree of the emperor, which declared that congress was dissolved, and vesting the legislative power of the nation in a *Junta Instituyente*, whose members were all nominated by himself. This event, of course, threw back the colonisation law to its first stage; all had to be begun *de novo*; a new colonisation committee was appointed, a new law was reported, though not differing much from the former, which finally passed, and was approved by the emperor, and promulgated on the 4th of January, 1823.

Thus, eight months after his arrival in the capital, Austin had the satisfaction of finding himself advanced *one step*; a colonisation law was enacted and promulgated. The next step was to procure the despatch of his business from the executive, a task which at first promised to be almost as difficult to accomplish as the other had been, owing to the excitement which was daily becoming more open and manifest, against the arbitrary proceedings of the emperor, which portended another revolution, and of course, a further suspension of all business of an individual nature. Fortunately, however, the minister of exterior and interior relations, Don Jose Manuel Herrera, and the sub-minister of the same department, Don Andres Quintana, were both men of liberal and enlightened principles, and, so far as the then existing state of politics would permit, they were favorable to the emigration of foreigners. The despatch of individual affairs appertaining to the interior, or home department, was principally confided to the sub-minister, Quintana. The captain general of the internal provinces, Don Anastacio Bustamente, (now vice president of the nation,) within whose command Texas was included, also took a very liberal and enlightened view of the advantages which would result to the nation, from settling the wilderness of Texas, to which he was very favorably inclined; also, a number of the members of the *Junta Instituyente*, and of the council of state, were favorably disposed towards the enterprise; added to all of which, the claims of Austin, on the attention and justice of government, were strong and incontrovertible. He came into Texas with the emigrant settlers, in virtue of a permission, legally granted to his father, by the competent Spanish authorities, previous to the change of government; he was also officially conducted into the country, by a commissioner, expressly appointed by the governor of Texas, for that purpose; and on his arrival at the capital of that province, he was officially received, and recognised by governor Antonia Martinez, after the change of government; and officially authorized by that functionary of the independent Mexican nation, to proceed with the settlement; the amount of land to be distributed to each settler was stipulated; and he, (Austin,) was appointed to administer, provisionally, the local government of the new settlement. He had also been detained nearly a year in Mexico, on this business. These circumstances enabled him to bring the matter before the council of state, in a shape which procured its speedy and favorable despatch, by that body, who reported their opinion relative to it, on the 14th of January; and on the 18th of February, 1823, the minister Andres Quintana, issued the emperor's final decree on the subject. This decree was conformable, in general, to the advice given to the emperor, by the council, in their report, though not exactly, in every particular.

The great object which took Austin to Mexico being accomplished, he made preparation to depart immediately for Texas, and intended to have started on the 23d of February, but, previous to that day information reached the city, relative to the progress of the revolution against the emperor which convinced all reflecting men, that a great political change of some kind was near at hand.

On the 2d December, Gen. Santa Ana, who commanded at Vera Cruz, raised the standard of opposition to the arbitrary proceedings of Iturbide, and on the 6th, in union with the civil authorities of that city, he published a "*plan*;" the basis of which was the re-union of the same

congress, whose members had been dispersed by the arbitrary order of the emperor, on the 31st October; and that its deliberations should be free from military restraint. General Victoria suddenly appeared from the retreat where he had remained concealed, since his flight from Mexico, in February, 1822, and joined the congress party. A severe, though not decisive battle, was fought at Xalapa, on the 21st of December, between Santa Anna and the imperial troops, in which the former failed to get possession of that town. General Guerrero and Bravo also retired suddenly from the capital, and took the field in favor of congress, at the head of the guerillas, in Oaxaca, and towards Acapulco; and on the 2d of February, the army that was besieging Santa Anna in Vera Cruz, under the command of Gen. Echavarri, revolted in a body from the emperor, and forming a junction with the besieged, declared in favor of congress, and published another plan, similar to that of Santa Anna's, called the *Plan of Casa Mata*. These events gave great impulse to the revolution, which spread through the provinces of Vera Cruz, Puebla, Oaxaca, and parts of Mexico. Vivanco, the captain general of Puebla, declared in favor of congress; and owing to his popularity with the soldiers, was appointed commander-in-chief of the "liberating army." All the other parts of the nation, however, had thus far appeared to remain quiet, and in favor of the emperor: though a general anxiety, suspense and excitement, had prevailed since Santa Anna's defection; which was daily becoming more intense, and tending towards a decisive crisis. On the 19th February, the minister Jose Manuel Herrera, secretly fled from the capital, and concealed himself so effectually, that he was supposed to be dead for two years afterwards. And on the 20th and 21st, information was circulated in the city, of the general defection from the emperor, of those parts of the nation, which had heretofore remained passive; and Iturbide began to be publicly spoken of as a usurper; and some were of opinion that all his acts would be annulled by congress. This would have thrown Austin back to where he started the year before; and it was therefore too important a matter to be left unattended to. He consulted several lawyers and other persons of information on the subject: some gave the opinion that all acts of the government *de facto*, of such an individual nature as this, where the rights and interests of individuals alone were concerned, without being in any way connected with the general politics of the government or nation, would be good; and others thought that it would be safer to obtain the sanction of congress. It was sufficient for Austin, that any doubt appeared to exist; and he determined to suspend his journey to Texas, and wait the meeting of congress, which it was now evident, must soon take place.

Early in February, the emperor marched out of the city in person, at the head of all the troops he could collect, and occupied a station at the village of Istapalca, five leagues on the road to Puebla. Finding, however, that he could not rely upon his troops, and that the opposing force, which was approaching on the Puebla road, under Vivanco, greatly exceeded his, and was daily augmenting by desertions from his own army; he consented to a cessation of hostilities, and commissioners were appointed on both sides, to treat. The said commissioners met in the village of Mexicansingo, a few leagues out of the capital, and agreed in substance: that the emperor should retire to Tacubaya, three leagues

from the city; that congress should convene, as soon as its dispersed members could be collected; and that all parties should unconditionally submit to whatever congress might dictate; neither to have any troops in the city, and the necessary guards to keep order, were to be placed under the direction of the local civil authority, until congress met. Both parties complied with this treaty. Congress convened, and on the 29th of March decided: 1st. That the sovereign constituent congress of the Mexican nation was in legal session, there being one hundred and three members present, which was a majority of the whole number, and that its deliberations were entirely free from all military, or other forcible restraint. 2d. That the executive power of Mexico, which had existed since the 19th of May, 1822, up to that time, had ceased. 3d. That this decree should be communicated to the supreme executive power, which would be established by congress, for its publication, &c. On the 31st, congress decreed that the executive authority of the Mexican nation should be provisionally deposited in a body, who should be styled, the *Supreme Executive Power*, and be composed of three individuals, &c. On the same day, three persons who were to compose the executive, were elected by congress, viz.: Nicholas Bravo, Guadalupe Victoria, and Pedro Celestino Negrettee; and Jose Mariano Michelena, and Miguel Dominguez were elected supernumeraries, to fill the places of any of the others who might be absent until their arrival. An entirely new organisation of the different branches of the government now took place. On the 8th of April, congress decreed that the coronation of Don Augustin de Iturbide, was an act of violence and force, and was null; and consequently, that the resignation of the crown tendered by him, on the 19th of March, could not be considered by congress, and that the hereditary succession, and all titles emanating from said coronation, were null; and all the acts of the last government, from the 19th May, 1822, to the 29th May, 1823, were illegal, and subject to be revised, confirmed, or revoked by the government now established; and finally, said decree banished Iturbide from the Mexican territory forever; but assigned him \$25,000 annually, (provided he resided in some part of Italy,) and fixed a pension of \$8,000 annually on his family after his death.

In consequence of the decree of 8th April, Austin presented a memorial to congress, together with the concession which he had obtained from the last government on the 18th February; and petitioned congress to confirm said concession, or dispose of it as that body might deem proper. On the 11th April, congress passed a decree, referring said memorial and concession to the supreme executive power, to be confirmed by that power, should it have no objection to said confirmation; said decree also suspended, for the future, the law of colonisation, passed by the *Junta Instituyente*, the 4th of January, 1823, until a new resolution of congress on the subject. On the 14th of April, the supreme executive power issued a decree, in virtue of the act of congress above-mentioned, by which that power confirmed in full, the accession granted to Austin by the imperial government, on the 18th of February, 1823; and said decree was circulated by the minister of interior and exterior relations, Don Garcia Ilueca, to the captain-general of the internal provinces; and a certified copy of it was delivered to Austin.

Thus, after one year's detention and exertion in Mexico, Austin, at last, had the satisfaction of leaving there, with his business despatched

and confirmed by all the governments which had ruled the Mexican nation, during the said year; and as the last confirmation was by the sovereign constituent congress, whose members were the acknowledged and legal representatives of the people of the nation, there could no shadow of doubt remain, as to the legality and validity of his concession; and on the 28th day of April, he departed from the capital.

On his arrival at Monterrey, the capital of the eastern internal provinces, he presented a consultation to the commandant-general, Don Felipe de la Garza, requesting special instructions, and copies of the laws, for the administration of the local government of the new colony, which was committed to his charge, in general terms, by the decree of the supreme government of 18th February, 1823. This consultation was transmitted by the commandant-general, to the provincial deputation of Nueva Leon, Coahuila and Texas, then in session, in that city; who decreed in substance, that Austin's authority, under the said decree of 18th of February, was full and ample, as to the administration of justice, and of the civil local government of the colony; and the command of the militia; and that his grade or rank as a military officer should be lieutenant colonel; that he could make war on the Indian tribes, who were hostile and molested the settlement; that he could introduce, by the harbor of Galveston, such supplies of provisions, &c. as might be necessary for the settlement in its infancy; in short, that he should preserve good order, and govern the colony in all civil, judicial, and military matters, according to the best of his abilities, and as justice might require, until the government was otherwise organised, and copies of laws were furnished, rendering to the governor of Texas an account of his acts, or of any important event that might occur, and being himself subject to him and the commander-general. The local government was thus committed to him with the most extensive powers, but without any copies of laws, or specific instructions whatever, for his guide; the act of the deputation, therefore, left the matter in substance, precisely where the decree of 18th of February had placed it.

On the 17th of July, the governor of Texas, Don Luciano Garcia, appointed the Baron de Bastrop, commissioner on the part of the government, to survey the lands for the settlers of the new colony, and in union with Austin, to issue titles to each one, in the name of the government, conformably to the decree of 18th February, 1823. The said governor, by an official act dated the 26th July, also gave the name of "San Felipe de Austin," to the town, which was to be laid off for the capital of the new colony.

In August Austin arrived in the colony in company with the commissioner Baron de Bastrop. The settlement was nearly broken up in consequence of his long detention in Mexico, and emigration had totally ceased. Many of the first emigrants had returned, and a number of those who started from the United States for this settlement, had stopped on the Ayesh Bayou, and round Nacodoches, or on the Trinity; and by this means the settlement of those sections of country was commenced. Such arrangements were made by the commissioner, Bastrop, as were necessary, and he then returned to Bexar to fill his station as a member of the deputation of Texas.

In 1824 the commissioner, Bastrop, again returned to the colony, and, in union with Austin, issued the titles to the settlers, for the lands which

had been surveyed up to that time; but, as the said Bastrop had been elected a member of the legislature of the state of Coahuila and Texas, just established, he could not remain long enough to complete the surveys and titles for the whole of said 300 families, all of whom had by this time emigrated, and were in the country. He therefore departed for Saltillo, in September, and left a part of the titles unfinished, which, together with the other unfinished business of the colony, was completed by the commissioner Gasper Floris, who was specially commissioned for that purpose by the lieutenant governor of the state of Coahuila and Texas, Don Victor Blanco, then exercising the duties of governor.

By referring to the 23d article of the law of 4th January, 1823, it will be seen that the lands granted under that law, in virtue of the concession of the 18th February of the same year, are subject to the condition of being cultivated by the grantee, within two years from the date of the title, and the same condition is also inserted in each of the titles; which condition being complied with, the title is unconditional, clear, absolute and inviolable, as will be seen by examining said law, and particularly the 22d article.

As regards the limits of the old colony, it will be seen by reference to the concession of the emperor, of 18th February, 1823, that specific limits were not considered necessary, because the colony would be composed of the lands occupied by said 300 families. The rambling disposition of the emigrants dispersed them from the east bank of Labaca to the east side of San Jacinto, and from the sea shore to the upper, or San Antonio road, and land was granted to them in those limits. All the vacant lands that remained after supplying the settlers and the empresario with their portions, was, of course, the public land of the nation. This dispersed settlement of the emigrants, rendered the task of locating, protecting and governing them, much more difficult and expensive than it otherwise would have been; and it was only tolerated on the ground, that if the settlers could sustain themselves from Indian attacks, (and they thought they could,) a scattered settlement, within reasonable bounds, would ultimately be of more advantage to the nation than if the emigrants had all been huddled together; for it disseminated facilities for an establishment of new emigrants, hereafter, over an extensive tract of country. The good policy of this scattering system is now daily proved: corn, pork, &c., can now be had in every direction, without the trouble of distant transportation. It is, however, also attended with inconveniences which hardy enterprise alone would submit to.

The foregoing narrative, with an examination of the documents referred to, will, it is believed, be sufficient to explain to the settlers of the first colony how, and under what authority, they originally came into this country; the delays growing out of the revolutionary state of political affairs, and other circumstances, that were beyond the control of Austin, which embarrassed the progress of the settlement in its first stages; the exertions made by him to remove these embarrassments, and procure titles for the settlers; and finally, the nature and validity of these titles.

As regards the local government of the colony, it will be sufficient to state, that Austin finding on his return from Mexico, that it would be impossible for him to attend to the land business of the settlers,

and the civil affairs of the local government, and also to attend in person, to the administration of justice, through all its perplexing details, in every small case that might occur; continued the two *alcaldes*'s districts, into which the settlement had been previously divided, by order of the governor of Texas, Jose Feliu Trespalacios, and likewise formed some additional ones, directing that an *alcalde* or justice should be elected by the people in each; he gave these *alcades* jurisdiction to 200 dollars, with an appeal to him, as the judge of the colony, on all sums over 25 dollars. He also formed a code of provisional regulations, in civil and criminal matters, which was approved by the governor of Texas.

In the month of September, 1824, Mr. Samuel M. Williams was appointed by Austin, secretary of the local government of the colony, which appointment was approved by the governor of Texas, and since that time, he has discharged the duties of that office with a degree of fidelity and industry, which justly entitles him to the approbation and confidence of the inhabitants of this settlement. Austin not having the means of paying him a compensation equal to his services, he has labored without an adequate salary; and the perquisites which he has received in five years would not have supported him one. The land and other records of this colony, present abundant evidence of his neatness and accuracy; and the register, or record book, in which the land documents, and title deeds, are recorded, will forever afford proof of the labor, care and precaution, that have been devoted for the perpetuation of those important documents. It will be remembered that this labor, the formation of the register, was gratuitous on the part of Austin, and the secretary Williams. Neither of them have ever received one cent of compensation for it. The former considered it necessary for the future security of the settlers, that the records should be placed in such a shape, as would render them less liable to be lost or defaced, than they would be, in their original state; for, agreeably to the mode of issuing the titles, each one was on a separate and loose sheet of stamp paper, the original being retained in the office as the record, and a certified copy issued to the interested person. It is evident, that records kept in that way would be liable in time, to wear out, and be totally destroyed, even if they were not misplaced, and lest any difficulties should arise from this, Austin petitioned the government of the state, that an order might be issued from the competent authority, for the transfer of all the records of the colony, that were on loose sheets of paper, into a large bound register or record book. The said order was accordingly issued, prescribing, particularly, the mode of making such transfer, and declaring that documents thus transferred, should have the same validity in law, as the originals. The mode of transfer was, that each document should be copied into said register, and then compared, word for word, with the original, by the commissioner Gasper Floris, the *empresario* Austin, and the *alcalde* of the jurisdiction; all of whom should certify that each document was truly copied from the original, and then sign their names, with two witnesses. This was an immense labor; for, independent of the documents and title deeds, it also included the plot of each tract, at the end of the title. Austin paid the surveyor, Seth Ingram at the rate of five dollars per day, for this part of the work.

It will be seen by an examination of the authority that was vested

in Austin relative to the local government of the colony, that it was extensive, and without clearly defined limits, except submission to the governor of Texas, and the commandant general; and that consequently the degree of moral, as well as personal responsibility, which rested upon him individually, was co-extensively great. Had he been furnished with laws and fixed rules for a guide, his responsibility would have depended on his observance of, or departure from those laws or fixed rules; but placed as he was, a peculiar or prejudiced view of his acts, by his superiors, might have involved him in total ruin or unmerited disgrace. It will also be seen that no salary or allowance whatever was assigned him, to defray the expenses of the local government, all of which consequently had to be borne by himself, and which in this jurisdiction were many, owing to its peculiar situation with respect to the Indians, and also for the want of regular soldiers, for expresses, guards, &c., as well as many other expenses, besides those of the office, and the secretary's salary. It will also be remembered that Austin contracted with the government to introduce a certain number of families, for which he was to receive as a premium, a certain quantity of land; but he was not bound in any manner by that contract, to take upon himself the labor, responsibility and expense of the local government; and had he refused to have done it, and some other person had been appointed for that purpose, it would not in any way have interfered with his right to premium land. So that it was, in fact, altogether gratuitous on his part, so far as depended on his contract with the government, to undertake that labor, or not, as he pleased. Why then did he accept of so heavy and expensive a charge? — He accepted it because it was necessary for the advancement of the colony that some one should do so; and no one would have accepted it without a compensation; he considered that he was bound by the original contracts, which he thought were fairly and publicly made, between him and the settlers, previous to the commencement of the colony, as heretofore stated, to be at all the labor and expense of procuring the titles, and advancing the settlement, so far as it lay in his power, by his individual exertions; calculating that the settlers would never wish to evade the payment stipulated on their parts, when they saw that he had complied, and more than complied on his; for he promised them lands by *hundreds* of acres, and they have received it by *thousands*; league tracts were granted to them by the government, in place of the sections promised by Austin. His expectations, however, were all disappointed; the original contracts passed away, and the colony was dragged forward, amidst pecuniary embarrassments and poverty, with the fatal weight of internal opposition superadded to its other difficulties.

Some misunderstanding has heretofore existed in regard to the payments on land in this colony. For instance, it has been stated by those who knew nothing of the law, or of the subject, that Austin sold the land to the settlers; that he exacted from them what he had no right by law to exact; that he was speculating on the settlers, &c., &c. Never has he asked one settler to pay him one cent in virtue of the colonisation, or any other law, except the law of mutual good faith, between man and man, in their private and individual dealings. He entered into a fair and equitable contract with them, in a public and open manner, in 1821, binding himself to do certain things for their benefit; to wit—

to receive them in the number of the three hundred families, which he was authorised to introduce, and settle in Texas; a privilege which, at that time, was not, and never before had been granted, to any foreigners, except individual cases, under peculiar circumstances, and obtained by the most powerful patronage; and one which was not, and could not be legally granted to any others, except to said three hundred families, until after the passing of the national colonisation law of 18th August, 1824, and the state law of 25th March, 1825; up to that time, there was no colonisation law, and no authority whatever in any other person to admit emigrants; for the same act of congress of the 11th April, 1823, which confirmed this privilege to Austin, closed the door as to all others, by suspending the law of 4th January, 1823. True it is, that emigrants did come in previous to the passing of the law of 18th August, 1824, or that of the state law of 1825, who stopped on the Ayesh Bayou, round Nacogdoches, and on Trinity; but they have not yet obtained titles, and were liable to be driven off by the government. Those who will take the trouble to enquire, may see that Austin, at an early day, informed the government, that many of those settlers came into the country in consequence of his publications in the United States, relative to the three hundred families, and had stopped where they were, owing to his long detention in Mexico, and the consequent discouraging reports about his settlement; and that, therefore, they were innocent of any intention to intrude, illegally into the country. He agreed to procure for said three hundred families, titles for a certain quantity of land, and deliver them to settlers at his own cost, he being at all the expense and labor of petitioning, translating, surveying, managing their affairs with government, and all other expenses of a necessary and public nature, for the advancement of the colony; for all which, they, on their parts, stipulated in the manner before stated, to pay him twelve and a half cents per acre, to be paid in instalments, in produce of the country, after receipt of title. His great object and ambition were, and always have been, to succeed with the enterprise, which he believed he could not do, without the aid of funds. He also believed that the above contracts opened the only safe means of raising them; and they also presented to him a distant prospect of refunding to him the money he had spent in the outset, before he could call on the settlers for any payments; for he had no right to make such call until after the titles were delivered; and consequently, all the risk of money, labor, and character, was run by him alone, until he completed the business. Because, had he failed in the enterprise, he would have lost all—the character of a visionary or wild speculator would have been given to him by many, and some would have considered that a failure was a crime, or evidence of a want of industry or capacity; which to a certain degree, must have injured his prospects in any other business; and to this heavy account, was to be superadded, the time, expenses, and sufferings of his father. Under the faith of those contracts, therefore, he abandoned all prospects in the United States, some of which were flattering; undertook the enterprise, and devoted himself to a life of toil and privations in a wilderness. He also made engagements in 1821, which, added to other pecuniary embarrassments, growing out of this colonisation business, has kept him too poor even to afford the means of living with that decency which would be expected from the head of such an enterprise as this; and which, in fact, the respect-

ability of the settlement itself, would seem to require; and if what land he has acquired, (and he has but little else,) was valued at its present rates, he is now nearly insolvent. Other men, who have never had any other trouble than to attend to their private affairs, and to receive their titles, have derived more benefit from his labors than he has. As regards his selling land to settlers: the idea of an empresario, under the colonisation law, selling the land of this nation, is so absurd, that it would be an insult to the understanding of those who can read that law, even to refute it. There never have been any payments made to him under the original contracts, although many offered it; but those contracts were interfered with in a manner which rendered it doubtful whether they could have been generally enforced, without jeopardising the principal motive which had stimulated him to persevere in the enterprise, which was to settle the country, and not merely to make a speculation. Had the latter been his object, he certainly would have made a totally different use of the extensive powers that were placed in his hands, than spending his life in a wilderness, harassed by constant cares and perplexities. He, therefore, would not accept of a compliance of the original contracts, from any one, unless it was also exacted from all; thus, those contracts passed away forever; and the payments on the land titles were regulated by the political chief or governor of Texas, by a fee bill which he published the 20th of May, 1834: those payments were for the commissioner's fees, office fees, stamp paper, surveying fees, &c. A considerable number of the settlers have never to this day paid those fees, that part of them who are too poor have never been called on. The portion of their fees that had to be promptly paid before they could have gotten a title, has been raised for them by Austin, out of other means. He has himself been their translator, their agent, and done all their business for them, even in some cases, to the selecting and locating their lands, and has delivered their deeds to them; for all which, he has received from some of them, murmurings and abuse. It can, however, be truly said, to the honor of the North American character, that the murmuring part of the settlers is limited to a very small number, and it is to be hoped that what has appeared to be ingratitude, even in them, has arisen solely, from not understanding the subject, rather than from disposition.

It is just to correct another erroneous idea, that at one time prevailed, which was, that the fees were paid in money. Money was required from those who it was known had it to spare, which was used to make up the cash payments to the government for the stamp paper, commissioner's fees, &c.; and thus money was raised for the cash payments which had to be made on the deeds of all those who could not raise it themselves; and by that means, and that alone, the poor were provided for as well as the rich; no one was turned away, or even waited for his title, because he was poor; and many have received leagues of land in this colony, who were not worth twenty dollars when they reached here. This system, however, caused murmurs against Austin, on the ground that a distinction was made, and partiality shown. They did not reflect that it was the interest of all to get the settlement under way, and that if poor men had been turned off, because they could not pay the fees, the settlement would have been thinned so much, that it would have been totally broken up. A clamor was raised, and, strange as it may

now appear, some of the poorer class, who were most benefitted by that system, joined in it. The mass of the settlers who have paid any thing, paid it in cows, at twenty to twenty-five dollars a head, corn at two or three dollars a bushel, &c. &c.; which property, thus received, has been sold for two-thirds less than it was received at to raise cash, it being necessary to resort to all manner of shifts, to raise the means of keeping up the local government, and managing along the settlers, so as to prevent them from running headlong into anarchy and confusion. It will be remembered that Austin was not supported by the strong arm of government; there never was one soldier stationed in the colony; and for the first four years there were not fifty in all Texas, nor within five hundred miles of it; that he had not the aid of general laws, printed and published in the language of the settlers, by which to restrain them, or guide himself; and that he was not even left to the uncontrolled dictates of his own judgment; for, in that particular, he was absolutely subject to the commandant general, and governor of Texas, or to the land commissioner, who was united with him, all of whom, except the last, had seen but little of North Americans, except under unfavorable circumstances, and knew but little of their real character or habits: he had, therefore, to resort to such resources as circumstances would permit. In the absence of specific laws, there are two modes of governing—one by force, the other by reason and mild measures. The latter course, perhaps, was most congenial with his disposition, even if the other had been in his power; he adopted it, and has been censured by some for following it to the extent he did. His task was rather difficult; he was isolated, destitute of funds, and inexperienced; no disinterested advisers could approach him, for it was the interest of each one to get all he could for himself; and he may have committed many errors; he has, however, the consolation of having succeeded in the enterprise, a thing which no other, who has attempted it, has done; he has uniformly received the approbation of government; and within the last two years has also received manifestations of confidence from the settlers, themselves, in general; which to him is the most gratifying testimonial that could possibly be offered; for they ought to be the best judges of his acts, having witnessed them all, and been immediately interested.

The foregoing remarks relative to the payments on land, and to the local government of the colony, are made, in order to correct some erroneous impressions that at one time prevailed on the subject. It is no more than justice that the matter should be placed in its true light; and it is equally just, that the conduct and motives of the settlers should be noticed, lest, from what has been said, some should be inclined to censure them; for any such censure would be unmerited. It will be remembered that these settlers had always been accustomed, from their infancy, to see all the laws and orders of government printed and published; that none of them understood the Spanish language; and that there were no translators but Austin and the secretary; and consequently that every thing had to pass through, and from them; that there was no way of publishing any thing except by manuscript copies. Also, it was natural, as regards the twelve and a half cents per acre, for the settlers to make a gross calculation of the amount, that all the land distributed in the colony would come to, and suppose that all that sum was to go into the pockets of Austin, for they made no allowance for

many of the settlers who would be unable to pay any thing at least for many years; neither did they make allowance for the incalculable loss on payments in produce, and property, at double, and treble, its cash value; neither were they competent to make any calculation at all, as to the amount which he had spent, and was still compelled to spend, to complete the titles, and keep the local government in progress and safety; for on these subjects they had no data, nor any opportunity of procuring them. It will also be remembered that an opinion prevailed, that Austin's authority was almost absolute; and that most of the settlers were strangers to him, and to each other, and uninformed as to the nature of the government as it then existed. They understood, in general terms, that it was a republic, but they did not reflect that it was an infant republic, just springing into existence, and that there had not been time to form the constitution, and complete the organisation and details of all the various departments. Added to all this, innumerable embarrassments arose in the selecting, surveying, and distributing lands, owing to the rambling and unsettled disposition of some of the emigrants, and to the want of more specific and fixed rules on the subject, in the colonisation law, and also to the envy and jealousies which grew out of the extensive powers that were granted to Austin and the commissioner, by the 9th article of the colonisation law, and by that part of the decree of 18th February, 1823, which speaks of an increase of quantity. When all these things are duly considered, and also that duty to themselves and families, required the settlers to be cautious about incurring pecuniary responsibilities; abundant reasons may be discovered why they should think that causes for jealousy and complaints against Austin existed; they doubtless thought they were right, and acted accordingly.

A candid and impartial review of the whole matter, therefore, leads to the conclusion, that the settlers have done their duty, and have been much clearer from internal dissensions, than could be expected, under all the circumstances. They have uniformly been unshaken in their fidelity, and ready and willing to discharge their obligations as Mexican citizens; they have borne, with the most inflexible fortitude, all the privations to which their situation exposed them, and have contributed largely in laying a foundation for the future prosperity of Texas, by commencing the settlement of its wilderness. The idea, which appears to be entertained, by some persons in the United States, that the early population of Texas is composed of fugitives from other countries, is totally incorrect and unjust. It was natural to suppose that some fugitives might enter the country, and measures were taken at an early day, both by the government and by Austin, so far as his authority extended, to shield Texas from that evil. He expelled several from this colony in 1823-24, under the severest threats of corporal punishment if they returned, and in one instance, he inflicted it. This is mentioned for the sole purpose of proving, that there could not have been many of that class here, for Austin had no force but the militia, which was composed of the settlers themselves. As regards the general morality and hospitality of the inhabitants, and the commission of crime, this settlement will bear a favorable comparison with any county in the United States, however celebrated for its exemption from such crimes.

If, having escaped many perils, is to be considered as a presage, that

fortune has taken this new settlement under her protection, there is abundant reason for hoping that it will prosper in future. It was undertaken, and has been established by individual enterprise alone, without the aid of strong capitalists, and totally unsupported by troops, or succors of any kind, from government. In this respect, it presents an anomaly, in the history of similar establishments. Independent of the perils from hostile Indians, scarcity of provisions, internal dissensions, and many others, incident to an infant and wilderness settlement; it has seen four great political changes in the government of this nation, and it has worked its way in peace and safety through them all. Those changes were from the despotic government of Spain to the independent government under the regency, in 1821-22, from that to the imperial government in 1822-23, from that to the republic under the supreme executive power, in 1823-24, and from that to the federal system, which now exists.

The foregoing observations have been exclusively confined to the first, or "old colony," as it is frequently called. The colonisation laws which are generally in force at this time, will now be noticed, and also the contracts entered into, with the government, by Austin, under those laws, in order that the emigrants who have been settled, or who may wish to settle under said contracts, may fully understand the subject, and the nature of their titles.

In order to give a clear idea of the authority which enacted those laws, the decrees of congress establishing the federal system, will be first referred to.

On the 17th June, 1823, congress decreed that a new constituent congress should be elected by the people, for the express purpose of adopting the form of government, forming the constitution, and organising the nation, agreeably to the will of the people; which would be fairly expressed by said new congress, thus elected for that purpose. The members of the first congress were ineligible to be elected for the second.

On the 19th of the same month, congress passed a resolution directing the supreme executive power, to inform the people that the then existing congress were in favor of the federal republican system of government, but had not formally adopted that system, and proceeded to form the constitution, because it had decreed on the 17th, that a new congress should be elected for that purpose.

The first congress finally closed its sessions on the 30th of October; and the second constituent congress, whose members had been elected in virtue of the decree of 17th June, convened and opened its sessions on the 5th of November. On the 31st of January, 1824, congress decreed the "*Acta Constitutiva de la Federacion Mexicana,*" or act of confederation, by which the federal system was formally adopted, and the basis and outlines of the government established. The federal constitution, however, was not finally sanctioned and promulgated until the 4th of October.

On the 7th of May, congress decreed that the former provinces of Coahuila and Texas should form a state and proceed immediately to elect its legislature; but that so soon as the latter should be in a situation to form a separate state of itself, the national congress should be informed thereof for its resolution.

It will be remembered that the colonisation law, passed by the imperial government on the 4th of January, 1823, was suspended on the 11th of April of that year, except in Austin's case. On the 18th of August, 1824, congress passed the general colonisation law, which is now in force, giving to the states full authority to form colonisation laws, and to dispose of the vacant lands within their respective limits agreeably to the basis and conditions therein established. In virtue of this law, the legislature of the state of Coahuila and Texas passed the state colonisation law, which was approved by the governor, and promulgated the 24th of March, 1825, and is now in force.

In 1824, there was no mail established from Bexar to Nacogdoches, passing through this place, as at this time, and the law of the 18th of August was not received here until December: previous to that time, and on the 6th of November, Austin forwarded a petition addressed to the supreme executive power of the nation, asking for authority to colonise two or three hundred families more, in addition to his first colony, and praying that Galveston might be made a port of entry. This representation was transmitted to the governor of the state. Afterwards having seen the law of the 18th of August, and understanding that a state law was discussing in the legislature of the state, he forwarded a petition addressed to the governor of the state, on the 4th of February, 1825, repeating in substance what he had said in that of the 6th of November, relative to Galveston, and asking for permission to colonise three hundred families. Having afterwards received information that the state colonisation law was about to be sanctioned, and having heard nothing of his two former petitions, on the 4th of April, 1825, he forwarded a third petition to the governor of the state asking for authority to colonise five hundred families. Before the last petition reached him the governor had granted his former one for the additional three hundred families, and had transmitted to Austin the contract which he was required to sign, and which was to take effect from the day he (Austin) approved and signed it, which he did on the 4th of June, 1825. After despatching from Saltillo said contract for three hundred families, the governor received Austin's petition of 4th April, asking for authority to colonise five hundred families, which was granted by him on the 20th May, 1825, and made a part of the before-mentioned contract, which was thus extended to five hundred, instead of three hundred families. The said five hundred families were to be settled on the vacant land remaining within the limits of his first colony, which had not been assigned to any other empresario, and which was not within the ten league reserve on the coast. As the limits of the first colony were not fixed by specific boundaries, as before stated, Austin petitioned the governor on the subject, who, on the 7th of March, 1827, added another article to the contract, for said five hundred families, by which the limits, within which they were to be settled, were fixed. The term of six years from the 4th June, 1825, the day on which Austin signed it, is fixed for the completion of this contract for five hundred families. On the 1st of April, 1826, the government commissioned Gaspar Flores, commissioner for issuing titles in said colony, for five hundred families.

On the 20th November, 1827, Austin entered into another contract with the government of the state, for one hundred families to be settled

on the east side of the Colorado, above the San Antonio road. The contract expires six years from its date.

On the 5th June, 1826, Austin petitioned the president for permission to colonise the vacant land lying within the ten league reserve, on the coast from Labaca to San Jacinto, and on the 22d of April, 1828, the president granted said petition, in virtue of which, a contract was entered into by Austin with the state government to settle three hundred families within said ten league reserve, which contract expires six years from the 29th July, 1828, that being the day on which he signed said contract. Austin is also appointed the government commissioner, for surveying the land, and issuing titles to said three hundred families, within said ten league reserve colony.

It is not considered necessary to make any remarks on the national law of 18th August, 1824, on the state law of 25th March, 1825, nor on the contracts or the instructions to Austin, as commissioner of the reserve lands on the coast, for translations of them all are herein published;—here this introduction will therefore close.

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#### ADVERTISEMENT.

In the foregoing introduction, I have endeavored to present to my companions and fellow laborers in the first settlement of this wilderness, a faithful history of their land titles, which was considered necessary for the better understanding of the laws, decrees, &c., herein published. This matter was so closely connected with the agency which my deceased father and myself have had in procuring the titles, that one could not be fully explained without giving a detailed account of the other; which, it is hoped, will be a sufficient apology for having noticed so minutely all his and my own acts in the business. I also considered that it was no more that justice to the settlers and to myself to place the whole matter in its true light, in order to remove any erroneous impressions which may have existed.

This colony has received the most cordial and uninterrupted manifestations of liberality, confidence, and kindness from every superior officer, who has governed the province of Texas, or the state of Coahuila and Texas, from its first commencement to the present time; and for its services on one occasion, it received in flattering terms the approbation of the president. These testimonials are too high and unimpeachable, to leave any doubt as to the morality, honor and integrity of the great mass of the settlers. But to say that there are no bad men here would be a violation of candor and truth. There are some individuals who are exceptions to the highly honorable general character which these inhabitants justly deserve, and who are meeting their reward in the frowns of public opinion.

As stated in the introduction, the object was not to give a minute history of the colony, except so far as was necessary to a clear elucidation of the authority under which it was undertaken, and has progressed. To have entered into the particulars of all the privations, Indian expeditions, &c., would have swelled the introduction to a size, beyond what the present means of printing it would permit; and besides,

such a detail would have added nothing material to an understanding of the nature and validity of the titles, except so far as it tended to prove that the settlers have fully earned, and justly deserved all the land, and privileges they have obtained. This, however, is a fact too evident to require any other proofs for its establishment, than those which are self-evident, and publicly known.

The translations have been carefully made by Mr. S. M. Williams, and myself. It is believed, that should there be any inaccuracies in them, they will be found on examination, to be more of a verbal and unimportant, than of a substantial nature: the originals, however, will always be open in the office, to the inspection of those who wish to examine them.

I should consider that I had not fully complied with my duty, were I to refrain from calling the attention of the settlers to a subject, perhaps of as much importance to them, as the acquisition of their titles has been; which is, the preservation and safe keeping of the records. Since February, 1828, all the records of the colony, except those appertaining to land titles, have been under the charge of the ayuntamiento and alcalde. The land records have remained in my charge, and will probably so continue a short time longer, when they will pass to the ayuntamiento and alcalde. It should be remembered, that those records are all in Spanish, and that all official communications with the government, must be in that language, and that neither the alcalde, nor one of the members of the ayuntamiento, understands Spanish, neither is it probable that any one will be elected for many years, who does understand it. The records of that body are now kept in a very loose and careless manner in a log cabin, exposed to all manner of casualties. The law requires the ayuntamiento, to provide a safe building to keep the records in, and a suitable secretary, thoroughly acquainted with the Spanish and English languages, to take charge of them on his own responsibility, as well as on that of the alcalde and ayuntamiento. The law also fully authorises that body to raise funds by a municipal tax for the above purposes, and to defray the necessary expenses of the local government, and it is their duty so to do; a duty which the people owe to themselves, to their own security, and to the protection of their best interests, which are involved in the safe keeping of the records, and supporting the local government of the municipality; to pay said tax, so far as is necessary and reasonable, with promptness and cheerfulness.

It is well known that up to February, 1828, the labor and expense of the local government fell principally on me, individually, and that since that period all the Spanish part of the labor has fallen on Williams and myself, without any compensation. It is also well known, that the translating and other duties connected with the local government are sufficient to occupy all the time and attention of a secretary. Since February, 1828, I have held no office which imposes any other duty on me to aid or interfere in the local civil government, than what belongs to any other citizen. As a citizen, I advised the ayuntamiento of 1828, to resort to a municipal tax; that body thought it would be unpopular, and feared to move. I repeated the advice to the ayuntamiento of 1829, and strongly urged the vast importance of giving respectability, system, and permanency to the local government, by the creation of municipal funds, and the erection of public buildings: as

the friend of the settlers, I again repeat the same advice. The municipality is without a jail, a house for public use, or a place to keep the records in; and it is also without a secretary, when it is well known that all its official business must be transacted in Spanish, and that not one of the municipal officers understood one word of that language. For two years past, the business of the ayuntamiento has been done for it, and not by it, and an excessive burden has thus been thrown upon the liberality of others. I have before stated, that all the land records would shortly pass from my hands to the alcalde and ayuntamiento; perhaps I ought to be more explicit, and to state distinctly that it is, and for some time past has been, my wish and intention to withdraw, as soon as the welfare of the colony will permit, from every kind of public charge, either direct or indirect. This course is rendered necessary by the state of my health, which is perceptibly declining; and also, by the embarrassed situation of my private affairs, which will require more of my time and attention, than I have heretofore been able to devote to them. These considerations may perhaps have caused too much anxiety to see our local government placed on a more respectable and systematic basis than it is at present; I may have wished to accelerate matters more than the resources of the country will admit, and been too far influenced by an excess of zeal, for what I considered to be the general welfare. My motives, however, were good, and had no other object in view than general utility; and I must be permitted to say that this colony is abundantly able to support its local government with decency and energy; I must also observe that the proposed tax is fully as heavy on me, in proportion to my disposable means, as on any other person. For eight years I have endeavored to be a faithful servant to this colony; it ought not to be supposed that I am to be its slave for life. Owing to my exertions when at the seat of government in 1827, the local government of this municipality was placed exclusively in the hands of the people, sooner than it otherwise would have been; and all that I now ask, is that they will provide the necessary means of administering it, for their own welfare.

With the most sincere wishes for the continued health and prosperity of these settlers;

I remain their most obedient and faithful servant,

S. F. AUSTIN.

*San Felipe de Austin, Nov. 1, 1829.*

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#### TRANSLATIONS.

[No. 1.]—*Official Communications from Don Antonio Martinez, Governor of Texas, to Moses Austin.*

UNDER date of 17th January, last past, the commandant general, and superior political chief of the eastern internal provinces writes to me as follows:

“Having thought proper to hear the most excellent provincial deputations, on the representation which your lordship, (*usia*) directed to me with your official letter, No. 1110, of the 26th December last,

I have just received its resolution, to which I have conformed; it is of the following tenor:"

"It will be very expedient to grant the permission solicited by Moses Austin, that the three hundred families, which he says are desirous to do so, should remove and settle in the province of Texas, but under the conditions indicated in his petition on the subject, presented to the governor of that province, and which your lordship (*usia*) transmitted to this department, with your official letter of the 16th instant. Therefore, if to the first or principal requisite of being catholics, or agreeing to become so, before entering the Spanish territory, they also add that of accrediting their good character and habits, as is offered in said petition, and taking the necessary oath to be obedient in all things to the government; to take up arms in its defence against all kinds of enemies; and to be faithful to the king; and to observe the political constitution of the Spanish monarchy; the most flattering hopes may be formed, that the said province will receive an important augmentation, in agriculture, industry, and arts, by the new emigrants, who will introduce them; which is all that this deputation have to say, in reply to your lordship's aforementioned official letter."

"And I transcribe it to your lordship, for your information and corresponding effects, that you may cause the interested person to be informed thereof, by means of a person of your confidence, who you will despatch with an express; and you will at the same time, send in by said express, some copies of the decree, which I transmitted under date of yesterday, granting a pardon and amnesty to the Spanish refugees, who are on the frontier, in order that they may be restored to the bosom of their country. God preserve your lordship many years. Monterey, 17th January, 1821. Joaquin de Arredondo. To the governor of the province of Texas."

All of which I transcribe to you, for your information and satisfaction, in answer to your petition, for which purpose, and in order to inform you of the deliberations of the most excellent deputation of these provinces, I have despatched with this, a person of my confidence, who is citizen Don Erasmo Seguin; and after having arranged for the removal of said families, which you have contracted with me, it will be important for you to direct, that when said families come on, information shall be immediately given of the time of their arrival, and the place where they have stopped in this territory; and that you then come on in company with my said commissioner, in order that we may agree as to the place or places, where they may wish to establish themselves; so that I may go on there, and delineate the town, and apportion out the lands, agreeably to the families, and species of agriculture they intend to establish; and also to receive from them the before-mentioned oath, in order that they may be from that time considered, as members united to the Spanish nation, and enter upon the enjoyment of the benefits which it extends, and concedes to its citizens and to Spaniards.

I also expect from the prudence which your department demonstrates, and for your own prosperity and tranquility, that all the families you introduce, shall be honest and industrious, in order that idleness and vice may not pervert the good and meritorious, who are worthy of Spanish esteem, and of the protection of this government, which will be extended

to them, in proportion to the moral virtues displayed by each individual.

I also inform you, in order that you may communicate it to those who intend to emigrate, that the supreme Spanish government has just opened the port of the bay of San Bernard, for navigation, and for introductions into this province, which measure, will doubtless be very advantageous to all, and particularly to the new settlers.

God preserve you many years,

ANTONIO MARTINEZ, Gov.

*Bexar, 8th February, 1821.*

To Mr. MOSES AUSTIN, of the new settlement.

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[No. 2.]

*(Same to the same.)*

Having seen your representation to this government, and finding it to be conformable with its ideas, I have to inform you that, although I shall render an account of it to the supreme government, for its deliberation, still not doubting it will be approved of, you can immediately offer to the new settlers the same terms as contained in your proposals, assuring you that should the superior government make any small variation, I will in due time communicate it to you; with which I answer your aforementioned representation.

God preserve you many years,

ANTONIO MARTINEZ.

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[No. 3.]

*(Same to the same.)*

For the better regulations of the Louisiana families, who are to emigrate, and whilst the new settlement is forming, you will cause them all to understand, that until the government organises, the authority which has to govern them and administer justice, they must be governed by, and be subordinate to you; for which purpose, I authorise you as their representative, and relying on your faithful discharge of the duty. You will inform me of whatever may occur, in order that such measures may be adopted as may be necessary.

God preserve you many years,

ANTONIO MARTINEZ.

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*Bexar, 24th August, 1821.*

[No. 5.]

*Colonisation Law of 1823.*

AUGUSTIN, by divine providence, and by the congress of the nation, first constitutional emperor of Mexico, and grand master of the imperial order of Guadalupe; To all who shall see these presents: Know ye, That the junta nacional instituyente of the Mexican empire, has decreed, and we sanction the following:

The Junta Nacional Instituyente of the Mexican empire, being convinced by the urgent recommendations of the government, of the neces-

sity and importance of giving to the empire a general law of colonisation, have thought proper to decree as follows:

ART. 1. The government of the Mexican nation will protect the liberty, property and civil rights, of all foreigners, who profess the Roman Catholic apostolic religion, the established religion of the empire.

ART. 2. To facilitate their establishment, the executive will distribute lands to them, under the conditions and terms herein expressed.

ART. 3. The empresarios, by whom is understood those who introduced at least two hundred families, shall previously contract with the executive, and inform it what branch of industry they propose to follow, the property or resources they intend to introduce for that purpose, and any other particulars they may deem necessary, in order that with this necessary information, the executive may designate the province to which they must direct themselves, the lands which they can occupy with right of property, and the other circumstances which may be considered necessary.

ART. 4. Families who emigrate, not included in a contract, shall immediately present themselves to the ayuntamiento of the place where they wish to settle, in order that this body, in conformity with the instructions of the executive, may designate the lands corresponding to them, agreeably to the industry which they may establish.

ART. 5. The measurement of land shall be the following; establishing the *vara*, at three geometrical feet; a straight line of five thousand *varas* shall be a league; a square, each of whose sides shall be one league, shall be called a sitio; and this shall be the unity of counting one, two, or more sitios; five sitios shall compose one hacienda.

ART. 6. In the distribution made by government, of lands to the colonists, for the formation of villages, towns, cities, and provinces, a distinction shall be made between grazing lands, destined for the raising of stock, and lands suitable for farming or planting, on account of the facility of irrigation.

ART. 7. One labor shall be composed of one million square varas, that is to say, one thousand varas on each side, which measurement shall be the unity for counting one, two, or more labors. These labors can be divided into halves and quarters, but not less.

ART. 8. To the colonists, whose occupation is farming, there cannot be given less than one labor, and those whose occupation is stock raising there can not be given less than one sitio.

ART. 9. The government of itself, or by means of the authorities authorised for that purpose, can augment said portions of land as may be deemed proper, agreeably to the conditions and circumstances of the colonists.

ART. 10. Establishments made under the former government which are now pending, shall be regulated by this law in all matters that may occur, but those that are finished shall remain in that state.

ART. 11. As one of the principal objects of laws in free governments, ought to be to approximate, so far as possible, to an equal distribution of property, the government, taking into consideration the provisions of this law, will adopt measures for dividing out the lands, which may have accumulated in large portions, in the hands of individuals or corporations, and which are not cultivated, indemnifying the proprietors for the just price of such lands, to be fixed by appraisers.

ART. 12. The union of many families at one place, shall be called a village, town or city, agreeably to the number of its inhabitants, its extension, locality, and other circumstances which may characterise it, in conformity with the law on that subject. The same regulations for its internal government and police, shall be observed as in the others of the same class in the empire.

ART. 13. Care shall be taken in the formation of said new town, that, so far as the situation of the ground will permit, the streets shall be laid off straight, running north and south, east and west.

ART. 14. Provinces shall be formed, whose superfiice shall be six thousand square leagues.

ART. 15. As soon as a sufficient number of families may be united to form one or more towns, their local government shall be regulated, and the constitutional ayuntamientos and other local establishments formed in conformity with the laws.

ART. 16. The government shall take care, in accord with the respective ecclesiastical authority, that these new towns are provided with a sufficient number of spiritual pastors, and in like manner, it will propose to congress a plan for their decent support.

ART. 17. In the distribution of lands for settlement among the different provinces, the government shall take care that the colonists shall be located in those which it may consider the most important to settle. As a general rule, the colonists who arrive first, shall have the preference in the selection of land.

ART. 18. Natives of the country shall have a preference in the distribution of land; and particularly the military of the army, of the three guarantees, in conformity with the decree of the 27th of March, 1821; and also those who served in the first epoch of the insurrection.

ART. 19. To each empresario who introduces and establishes families in any of the provinces designated for colonisation, there shall be granted at the rate of three haciendas and two labors, for each two hundred families so introduced by him, but he will lose the right of property over said lands, should he not have populated and cultivated them in twelve years from the date of the concession. The premium cannot exceed nine haciendas, and six labors, whatever may be the number of families he introduces.

ART. 20. At the end of twenty years the proprietors of the lands, acquired in virtue of the foregoing article, must alienate two thirds part of said lands, either by sale, donation, or in any other manner he pleases. The law authorises him to hold in full property and dominion one third part.

ART. 21. The two foregoing articles are to be understood as governing the contracts made within six months, as after that time, counting from the day of the promulgation of this law, the executive can diminish the premium as it may deem proper, giving an account thereof to congress, with such information as may be deemed necessary.

ART. 22. The date of the concession for lands constitutes an inviolable law, for the right of property and legal ownership; should any one through error, or by subsequent concession, occupy land belonging to another, he shall have no right to it, further than a preference in case of sale, at the current price.

ART. 23. If after two years from the date of the concession, the colonist should not have cultivated his land, the right of property shall be considered as renounced; in which case, the respective ayuntamiento can grant it to another.

ART. 24. During the first six years from the date of the concession, the colonists shall not pay titles, duties on their produce, nor any contribution under whatever name it may be called.

ART. 25. The next six years from the same date, they shall pay half tithes, and the half of the contributions, whether direct or indirect, that are paid by the other citizens of the empire. After this time, they shall in all things relating to taxes and contributions, be placed on the same footing with the other citizens.

ART. 26. All the instruments of husbandry, machinery, and other utensils, that are introduced by the colonists for their use, at the time of their coming to the empire, shall be free, as also the merchandise introduced by each family, to the amount of two thousand dollars.

ART. 27. All foreigners who come to establish themselves in the empire, shall be considered as naturalised, should they exercise any useful profession or industry, by which, at the end of three years, they have a capital to support themselves with decency, and are married. Those who with the foregoing qualifications, marry Mexicans, will acquire particular merit, for the obtaining letters of citizenship.

ART. 28. Congress will grant letters of citizenship to those who solicit them, in conformity with the constitution of the empire.

ART. 29. Every individual shall be free to leave the empire, and can alienate the lands over which he may have acquired the right of property, agreeably to the tenor of this law, and he can likewise take away from the country, all his property, by paying the duties established by law.

ART. 30. After the publication of this law, there can be no sale or purchase of slaves which may be introduced into the empire. The children of slaves born in the empire, shall be free at fourteen years of age.

ART. 31. All foreigners who may have established themselves in any of the provinces of the empire, under a permission of the former government, will remain on the lands which they may have occupied, being governed by the tenor of this law, in the distribution of said lands.

ART. 32. The executive, as it may conceive necessary, will sell or lease the lands, which, on account of their local situation, may be the most important, being governed with respect to all others, by the provisions of this law.

This law shall be presented to his Imperial Majesty for his sanction, publication and fulfilment.—Mexico, 3d January, 1823—3d of the independence of the empire.—Juan Francisco, Bishop of Durango, President.—Antonio de Mier, Member and Secretary.—Juan Batista de Arispe, Member and Secretary.

Therefore, we order all tribunals, judges, chiefs, governors, and all other authorities, as well civil as military and ecclesiastical, whatever class or dignity they may be, to comply with this decree, and cause it to be complied with in all its parts; and you will cause it to be printed, published and circulated.—Given in Mexico, 4th January, 1823.—Signed by the Emperor.—To Don Jose Manuel de Herrera, Minister of Interior and Exterior Relations.

[No. 8.]

(Decree of the Emperor.)

*Mexico, February 18, 1823.*

Having rendered an account to his majesty of the subject, on which the council has given the foregoing opinion, he has thought proper to resolve, in conformity therewith; and consequently declares, in the first place, that Austin was not officially authorised to stipulate with the emigrants what quantity of land they should receive in the new settlement, and therefore they are subject to the regulations of the government, agreeably to the law on that point; and consequently in virtue of said law, there shall be granted to each head of a family, one labor or one league, agreeably to the occupation which he may profess; offering to augment the quantity of land, for all those who may have a numerous family, or who may merit such augmentation, by the establishment of a new species of industry, or by the perfection of those already known, or by other circumstances, which may be useful to the province, or to the empire, it being understood, that to the colonist, who besides farming also dedicates himself to the raising of stock, there may be granted a league and a labor, in conformity with the 8th article of said law. As respects the designation of boundaries for the new establishment, with the limits described by Austin in his memorial, it is declared to be inadmissible, for the reasons given by the council.

In the second place, Austin is authorised, in union with the governor of Texas, or a commissioner appointed by the latter, to proceed to divide and designate land, and put each of the new colonists in possession of the quantity above indicated, and issue to them the titles in the name of the government. A certified copy of which shall be transmitted to the governor, for the purpose connected with the subject.

In the third place, all the families over and above the said three hundred, who come to settle in Texas, must establish themselves in the interior of the province, adjacent to the ancient settlements, in the manner prescribed by the colonisation law.

In the fourth place, and conformity with the said colonisation law, there is granted to Austin, for the expenses which he has been at, a quantity of land in proportion to his families, agreeably to the provisions of the 19th article of said law, and under the conditions contained in said article.

In the fifth place, Austin is authorised to proceed in conformity with said law, to form a town, with the families who have emigrated, or may emigrate, to the number of the three hundred of the permission, at the most suitable place in the section of country which they at present occupy, taking care that it shall be as central as possible, to the lands distributed to the colonists, who must accredit that they are Roman apostolic catholics, and of steady habits. It being understood that the governor of Texas, or his commissioner, in union with Austin, can designate the place, and measure out the land for the establishment of said town; selling the building lots, at the price to be regulated by appraisers, the other particulars embraced under this head, which were petitioned for by Austin, are granted; the governor of Texas is required to give information, of whatever may be necessary for the regulation of the government of said

town, and that both it, and any others that are founded, may be furnished with spiritual pastors.

As regards the citizenship which Austin solicits, he is notified to apply to the Junta Nacional Instituyente, whose province it is to grant it.

And finally, he is authorised to organise the colonists into a body of national militia, to preserve tranquillity, rendering an account of all to the governor of Texas, and acting under his orders, and those of the captain general of the province; also, until the government of the settlement is organised, he is charged with the administration of justice, settling all differences which may arise among the inhabitants, and preserving good order and tranquillity; rendering an account to the government of any remarkable event that may occur.

ANDRES QUINTANA.

Copy of the fifth article of the memorial of Stephen F. Austin, relative to colonisation in the province of Texas, which was granted in the manner stated in the foregoing decree:

That authority be granted to him, to found one or more towns, at such points as he may deem most proper, within the limits designated, and to take for himself, and for his family, sufficient lots for their uses, and with power to grant lots to useful mechanics, gratis; but that all others should pay for them, at the price the government may think proper to establish; the proceeds of which shall be applied to the building of a church, and other establishments of public utility.

I certify the above to be a copy from the original.

MIGUEL RIESGO, *Official Primero.*

*Mexico, 18th Feb., 1823.*

[No. 11.] *Decree of the Sovereign Congress.*

Most excellent Sir:—Having seen the reasons which the empresario, S. F. Austin, has given in his last representation, praying that the concession made to him, by the late government, for the establishment of three hundred families in Texas, should be confirmed: The sovereign constituent congress have thought proper to resolve, that the said petition should be transmitted to the executive, in order that should it have no objections, it may grant this petition, and any others of the same kind;—also, the sovereign congress have determined, that hereafter, the colonisation law, passed by the Junta Instituyente, shall be suspended until a new resolution on the subject. And by order of the sovereign congress, we communicate this to your excellency, accompanied by the said petition.—God preserve your excellency many years.—Mexico, 11th April, 1823.

FLORENTINO MARTINEZ,

*Member and Secretary.*

JOSE MARIA SANCHEZ,

*Member and Secretary.*

To his excellency, the Minister of Interior and Exterior Relations.

[No. 12.] *Decree of the Supreme Executive Power.**Mexico, 14th April, 1823.*

Having seen the new representation of Stephen F. Austin, praying for a confirmation of the concession granted to him by the late government, by its decree of 18th February last, relative to colonisation in the province of Texas; and finding it to be in conformity with the law passed on the subject, by the Junta nacional instituyente; the supreme executive power have thought proper to confirm the said concession, and order that the corresponding title should be given to the interested person, and that the resolution should be communicated to the commandant general of the internal provinces, and to the governor of the province of Texas, for their information and the corresponding effects.

JOSE IGNACIO GARCIA ILLUECA,  
*Minister of Relations.*

No. 14. *Commission of the Baron de Bastrop.**San Fernando de Bexar, 16th July, 1823.*

Inasmuch as the more important attentions of government prevent my executing, in person, the various duties connected with the colonial establishment forming by Stephen F. Austin, and using the power granted to me by the laws, and in obedience to the decree of the commandant general of these provinces, brigadier Don Felipe de la Garza, dated 16th June last past, I have thought proper to appoint, and by these presents, do appoint the second alcalde of this city, the Baron de Bastrop, commissioner, giving to him all legal powers, to proceed to the district of the Colorado and the Brazos, to organise that establishment, in conformity with the decrees on the subject, and such instructions as I may communicate:—a certified copy of which is herewith delivered to him, in order that in continuation he may proceed to discharge the duties which may be necessary, transmitting a statement of his proceedings when they are finished, to this government, for the purposes which may be necessary.

Thus, I, Luciano Garcia, lieutenant colonel of cavalry of New Santander, and governor pro tem., of this province, order and command, signing the present with assisting witnesses, for the want of a notary public, as the law requires; to which I give faith.

LUCIANO GARCIA.

*Assisting witnesses.*—Jose Antonio Saucedo, and Ilario de la Garza.

*Official letter from Governor Garcia, to S. F. Austin, on the same subject.*

As the more important attentions of the government, prevent my going on personally to organise the colonial establishment, forming by you in this province, I have thought proper to commission, with all necessary powers, the second alcalde of this city, Baron de Bastrop, who has been selected on account of his well known and superior qualifications, in order that in conformity with the decrees on the subject, and

the colonisation law, copies of all of which I have delivered to him, and also in conformity with such instructions as may in future be communicated to him, he shall proceed to organise said establishment:—which I communicate to you for your information, in order that in accord with said commissioner, you may appoint a day for your departure from this place, and inform me thereof, that I may have the escort ready to accompany you.—God and liberty.—Bexar, 28th July, 1823.

LUCIANO GARCIA.

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[No. 15.] *Official Letter from Governor Garcia, to the Commissioner Bastrop, naming the town of San Felipe de Austin.*

Under date of the 22nd inst., I reported to the commandant general of these provinces as follows:—

“In virtue of your official communication of the 16th ultimo, transmitting to me the documents relative to the colonial establishment, forming in this province, by Don Stephen F. Austin, of three hundred families, the receipt of which I acknowledged, by my letter of the 9th inst.—I have commissioned the second alcalde of this city, Baron de Bastrop, on account of his geographical knowledge, and his understanding the English language, to proceed to the organisation of said establishment, in conformity with the aforementioned documents on the subject, and with such instructions as it may hereafter be necessary to give him; and also to lay out the town, and survey the lands for lots, farms, and stock farms. The name which I have given to the town, but subject to your determination, is San Felipe de Austin, and for its greater formality, should you deem it necessary, I wish the corresponding approval transmitted to me, in order that the commissioner may proceed to execute what may be necessary.”

Which I transcribe to you for your information, accompanied with a copy of the colonisation law, in order that, in the discharge of your commission, you will be governed by it, and by the decrees which I have already communicated to you, as also by such instructions as may be necessary to give. You will therefore inform me of the day fixed for your departure, in order that the escort of soldiers, who are to accompany you, may be ready.—God and Liberty.

LUCIANO GARCIA.

*Bexar, 26th July, 1823.*

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[No. 16.] *Official Letter of the Commissioner Bastrop, to James Cummings, provisional alcalde, on the Colorado.*

The governor pro tem. of this province, Lieutenant Colonel Don Luciano Garcia, under date of the 16th of last month, says to me as follows:—

“The commandant general of these provinces, Brigadier Don Felipe de la Garza, under date of the 16th of June, last past, says to me as follows:

"I transmit to you the documents relative to the colonial establishment, which Don Stephen F. Austin is permitted to form in that province, in order that, on your part, you give due compliance to the decree of the last government, dated 18th February last past, resanctioned by the present government on the 14th April, and by me under this date. You will use all possible efforts to complete the organisation of said establishment; charging the commissioner who may be appointed by you to be expeditious in concluding his duties, and that he make frequent reports of his progress, in order that you may do the same to me, and on its conclusion you will inform me thereof."

"And I transcribe it to you for your information, and that in virtue of the commission which I have conferred upon you, by my decree of this date, you will proceed in company with said Austin to organise the colonial establishment which the government has granted to him in this province, for three hundred Louisiana families. You will be governed in all things by the decrees and orders contained in the certified copy of them, which I have delivered to you, and by such other instructions as it may be necessary to communicate to you until said establishment is organised, and ayuntamientos are established at the places where they may be necessary. The said Don Stephen F. Austin is authorised by the government to administer justice in that district, and to form a regiment of national militia, over which, for the present, he must be the chief, with the rank of lieutenant colonel; all of which you will make known to the inhabitants of said district, in order that they may recognise the said Austin, invested with said powers, and obey whatever he may order relative to the public service of the country, the preservation of good order, and the defence of the nation to which they belong."

And I transcribe it to you for your information, and strict compliance on your part; notifying you, that on Saturday, the 9th instant, you will collect as many of the inhabitants of the district under your charge as you can, at the house of Sylvenus Castleman, that I may communicate to them the superior orders with which I am charged, and that said Don Stephen F. Austin may be recognised by the civil and military authorities dependent on him, and by the new colonists who are under his charge.—God preserve you many years.—At Castleman's, August 5th, 1823.

EL BARON DE BASTROP.

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[No. 17.] *Official Letter from Jose Antonio Saucedo, political chief of Texas, to Austin.*

Under this date I have transmitted to the alcaldes of the Colorado and Brazos, the following order:—

"The Baron de Bastrop, the commissioner of this government, proceeds to that district, to put the inhabitants established in it in possession of their lands agreeably to law, and to issue to them the corresponding titles for their security, so soon as they pay the fees established by the fee bill, which I circulated when I was at that point; which I communicate to you for your information, and in order that there may be no delay in the organisation of that establishment, you will notify all the inhabitants who wish to settle in it that they must positively as-

semble on the day, and at the place fixed by said commissioner, to put them in possession of their lands, and issue the titles therefor. And you will make the corresponding report of the receipt and execution of this order.”

Which I communicate to you for your information and necessary purposes.—God and Liberty.—San Fernando de Bexar, 23d June, 1824.

JOSE ANTONIO SAUCEDO.

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*Same to the Same.*

The great scarcity of public funds under which this province is suffering, and the urgent necessities at this time felt by its representative bodies, has compelled the Baron de Bastrop, sixth member of the most excellent deputation, to undertake the fatiguing journey to that place, to collect as much as possible of fees belonging to the nation, agreeably to the fee bill, which I left with you, on the lands granted to those inhabitants, and also for the purpose of issuing titles to them, as the commissioner of this government, in union with yourself. You will in both cases use every possible exertion to carry these measures into due effect, for thus the good of the country requires.—God and Liberty.—San Fernando de Bexar, 22d June, 1824.

JOSE ANTONIO SAUCEDO.

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*Same to the Same, relative to Stamp Paper.*

I send you a copy of the law relative to stamp paper, in order that in conformity therewith, those inhabitants may make out their petitions for lands, on the corresponding stamp, and that the titles may be issued to them on the stamp prescribed by law. And as there is not a sufficiency of stamps in the depot of this city, I authorise you to stamp as much common paper as may be necessary for those inhabitants, doing it by means of a line at the top of each sheet, with these expressions: “*Sello 30. Arrs. Habilitado par la Nacion Mexicana para el ano de 1824, Austin.*” Signing it with your surname only. After which the interested person shall take the same paper to the alcalde of the district, who, as the provisional collector of the revenue, shall collect its value, and put on the margin of each sheet the following expressions: “*Pago el interesado en este juzgado de mi cargo les cuatro riales importe del Sello anterior.*” Date and signature of the alcalde. The same will be observed with regard to stamps of other classes. To avoid mistakes, you must keep a circumstantial account of the paper stamped by you, and the alcalde will in like manner, keep an account of the amount collected by him, and each one will make a return thereof, to the government, at the end of the year, without, however, delaying to remit the proceeds, as soon as possible, by any safe opportunity that may present.—God and Liberty.—San Fernando de Bexar, 22d June, 1824.

JOSE ANTONIO SAUCEDO.

[No. 18.] *Appointment of Gasper Flores, as Commissioner, in the place of Baron de Bastrop.*

His excellency, the lieutenant governor of the state, under date of 7th February last past, says to me as follows:—

“It being impossible for Don Felipe Henrique Neri Baron de Bastrop the former commissioner of the first colony of the empresario, citizen Stephen F. Austin, to leave this capital to conclude the unfinished business of said colony, as well on account of his station as a member of the legislature, as also because he is dangerously ill; I have thought proper to determine in consequence of your official representation, No. 11, of the 16th January last past, and with the consent of said Bastrop, to authorise citizen Gasper Flores, who has been commissioned by the government, for the second colony of said empresario, to complete the business which may be unfinished, in the said first colony, which you will communicate to said citizen, Gasper Flores, for his information and corresponding effects.”

And I transcribe it to you for the purpose indicated.—God and Liberty.—Nacogdoches, 19th March, 1827.

JOSE ANTONIO SAUCEDO,  
Chief of Department.

To citizen GASPHER FLORES.

[No. 19.] *Order relative to the Register.*

*Executive Department, of the State of Coahuila and Texas.*

Under this date I have issued the following order, to citizen Gasper Flores, commissioner of that colony.

“Having considered the official representation, dated 5th ultimo, directed to me by citizen Stephen F. Austin, empresario of Austin's colony, in that department, relative to the mode of preventing the original documents of that colony from being lost or destroyed by the lapse of time, I have thought it proper to approve of it, and in consequence, order that the following articles shall be observed on the subject, which are in addition to the instructions heretofore given to you.

ART. 1. In order to preserve and perpetuate the documents appertaining to the first enterprise of colonisation of the empresario, citizen Stephen F. Austin, in Texas, established in virtue of the supreme decree of the Mexican government, dated 18th February, 1823; of which you are appointed commissioner, in the place of the former commissioner, Baron de Bastrop, all the said documents shall be transcribed, together with the decrees of the government on the subject, and the titles issued in virtue of them, to individuals, and to said empresario, accompanied with a plot of each tract of land, and of the town of San Felipe de Austin, in a large book, well bound, and destined for that object.

ART. 2. At the top of the first page of said book, the following words shall be written, “Register of the documents and titles, issued in the first enterprise of colonisation of the empresario, citizen Stephen F. Aus-

tin, in Texas," which shall be signed by the commissioner, empresario and alcalde, of the town, with assistant witnesses.

ART. 3. At the end of each document, and title, the following words shall be put: "The foregoing instrument of writing, is literally copied from its original, which is on file in the archives of this colony;" date and signature of the commissioner, empresario, and alcalde, with assistant witnesses.

ART. 4. At the end of the register of the whole, the following words shall be put: "The foregoing register, composed of — pages, contains literal and exact copies of all the documents and titles filed in the archives of the first colony of the empresario, citizen Stephen F. Austin, established in Texas, in virtue of the colonisation law, of the 4th January, 1823, and of the decree of the supreme government of the Mexican nation, of the 18th of February, confirmed by those of the sovereign constituent congress, and supreme executive power, dated the 11th and 14th April of the said year 1823, which are copied into this book, and compared with their originals, by the commissioner, citizen Gaspar Flores, empresario citizen Stephen F. Austin, and the alcalde of this town, in compliance with the instructions of his excellency, the governor of the state of Coahuila and Texas, dated 31st of May, 1827, for the purpose of preserving and perpetuating said documents in the archives of said colony in a secure form, in order that they may at all times have the same value and legality in law, as their originals: in attestation of all which, we, the said commissioner, empresario, and alcalde, sign, &c. &c."

"Inasmuch as I am informed that the book destined for this object, is already acquired by the empresario, and that the stamp paper on which the original titles are extended, has been paid for;—the said book shall be stamped by the collector of the stamp duties of the town of San Felipe de Austin, with the stamp of the fourth seal; and he will collect the value of one stamp for each leaf, for which purpose he will put the corresponding certificate, on the first and last leaf, expressing in the latter the whole amount of stamps collected, which shall be entered in the accounts of his office."

Which I transcribe to you for your intelligence and observance, so far as appertains to you in answer to your official representation of the 5th of last month, relative to the matter.—God and Liberty.—Saltillo, 31st May, 1827.

ARISPE, *Governor of the State.*

JUAN ANTONIO PADILLA, *Secretary of State.*

To Citizen STEPHEN F. AUSTIN.

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[No. 20.] (Decree No. 72.) *National Colonisation Law.*

The Supreme Executive Power, provisionally appointed by the general sovereign Constituent Congress—To all who shall see and understand these presents: Know ye—that the said Congress has decreed as follows:—

ART. 1. The Mexican nation offers to foreigners, who come to establish themselves within its territory, security for their persons and property, provided, they subject themselves to the laws of the country.

ART. 2. This law comprehends those lands of the nation, not the

property of individuals, corporations, or towns which can be colonised.

ART. 3. For this purpose the legislatures of all the states will, as soon as possible, form colonisation laws, or regulations for their respective states, conforming themselves in all things, to the constitutional act, general constitution, and the regulations established in this law.

ART. 4. There cannot be colonised any lands, comprehended within twenty leagues of the limits of any foreign nation, nor within ten leagues of the coasts, without the previous approbation of the general supreme executive power.

ART. 5. If for the defence and security of the nation, the federal government should deem it necessary to use any portion of these lands, for the construction of warehouses, arsenals, or other public edifices, they can do so, with the approbation of the general congress, or in its recess, of the council of government.

ART. 6. Until after four years from the publication of this law, there shall not be imposed any tax whatever, on the entrance of foreigners, who come to establish themselves for the first time in the nation.

ART. 7. Until after the year 1840, the general congress shall not prohibit the entrance of any foreigner, as a colonist, unless imperious circumstances should require it, with respect to the individuals of a particular nation.

ART. 8. The government, without prejudicing the objects of this law, shall take such precautionary measures as it may deem expedient, for the security of the confederation, as respects the foreigners who come to colonise.

ART. 9. A preference shall be given in the distribution of lands, to Mexican citizens, and no other distinction shall be made in regard to them except that which is founded on individual merit, or services rendered the country, or under equal circumstances, a residence in the place where the lands to be distributed are situated.

ART. 10. The military who in virtue of the offer made on the 27th March, 1821, have a right to lands, shall be attended to by the states, in conformity with the diplomas which are issued to that effect, by the supreme executive power.

ART. 11. If in virtue of the decree alluded to, in the last article, and taking into view the probabilities of life, the supreme executive power should deem it expedient to alienate any portion of land in favor of any officer, whether civil or military of the federation, it can do so from the vacant lands of the territories.

ART. 12. It shall not be permitted to unite in the same hands with the right of property, more than one league square of land, suitable for irrigation, four square leagues in superficies, of arable land without the facilities of irrigation, and six square leagues in superficies of grazing land.

ART. 13. The new colonists shall not transfer their property in mortmain (*manus mortuos.*)

ART. 14. This law guarantees the contracts which the empresarios make with the families which they bring at their own expense, provided they are not contrary to the laws.

ART. 15. No person who by virtue of this law, acquires a title to lands, shall hold them if he is domiciliated out of the limits of the republic.

ART. 16. The government in conformity with the provisions established in this law, will proceed to colonise the territories of the republic. *Mexico, 18th August, 1824.*

CAYETANO IBARRA, *President.*

PEDRO DE AHUMADA, *Member and Secretary.*

MANUEL DE VILLAY COCIO, *Member and Secretary.*

Therefore, we command it to be printed, circulated, and obeyed.

NICHOLÁS BRAVO,

VICENTE GUERRERO,

MIGUEL DOMINGUEZ.

} Members of the  
Supreme Executive Power.

[No. 21.] *Colonisation law of the state of Coahuila and Texas.*

The Governor provisionally appointed by the Sovereign Congress of this state; to all who shall see these presents: Know, that the said congress, have decreed as follows:

Decree No. 16. The constituent congress of the free, independent and sovereign state of Coahuila and Texas, desiring by every possible means, to augment the population of its territory; promote the cultivation of its fertile lands; the raising and multiplication of stock, and the progress of the arts, and commerce; and being governed by the constitutional act, the federal constitution, and the basis established by the national decree of the general congress, No. 72, have thought proper to decree the following LAW OF COLONISATION:

ART. 1. All foreigners, who in virtue of the general laws of the 18th August, 1824, which guarantees the security of their persons and property, in the territory of the Mexican nation, wish to remove to any of the settlements of the state of Coahuila and Texas, are at liberty to do so; and the said state invites and calls them.

ART. 2. Those who do so instead of being incommoded, shall be admitted by the local authorities of said settlements, who shall freely permit them to pursue any branch of industry, that they may think proper, provided they respect the general laws of the nation, and those of the state.

ART. 3. Any foreigner, already in the limits of the state of Coahuila and Texas, who wishes to settle himself in it, shall make a declaration to that effect, before the ayuntamiento of the place, which he selects as his residence, the ayuntamiento in such case, shall administer to him the oath, which he must take to obey the federal and state constitutions, and observe the religion which the former prescribes; the name of the person, and his family if he has any, shall then be registered in a book kept for that purpose, with a statement of where he was born, and whence from, his age, whether married, occupation, and that he has taken the oath prescribed, and considering him from that time, and not before, as domiciliated.

ART. 4. From the day in which any foreigner has been enrolled, as an inhabitant, in conformity with the foregoing article, he is at liberty to designate any vacant land, and the respective political authority will grant it to him in the same manner as to a native of the country, in conformity with the existing laws of the nation, under the condition

that the proceedings shall be passed to the government for its approbation.

ART. 5. Foreigners of any nation, or a native of any of the Mexican states, can project the formation of new towns on any lands entirely vacant, or even on those of an individual, in the case mentioned in the 35th article; but the new settlers who present themselves for admission, must prove their christianity, morality, and good habits, by a certificate from the authorities where they formerly resided.

ART. 6. Foreigners who emigrate at the time in which the general sovereign congress may have prohibited their entrance, for the purpose of colonising, as they have the power to do, after the year 1840, or previous to that time, as respects those of any particular nation, shall not then be admitted; and those who apply in proper time, shall always subject themselves to such precautionary measures of national security, which the supreme government, without prejudicing the object of this law, may think proper to adopt relative to them.

ART. 7. The government shall take care, that within the twenty leagues bordering on the limits of the United States of the North, and ten leagues in a straight line from the coast of the Gulf of Mexico, within the limits of this state, there shall be no other settlements, except such as merit the approbation of the supreme government of the Union, for which object, all petitions on the subject, whether made by Mexicans or foreigners, shall be passed to the superior government, accompanied by a corresponding report.

ART. 8. The projects for new settlements in which one or more persons offer to bring at their own expense, one hundred or more families, shall be presented to the government, and if found conformable with this law, they will be admitted; and the government will immediately designate to the contractors, the land where they are to establish themselves, and the term of six years, within which they must present the number of families they contracted for, under the penalty of losing the rights and privileges offered in their favor, in proportion to the number of families which they fail to introduce, and the contract totally annulled if they do not bring at least one hundred families.

ART. 9. Contracts made by the contractors or undertakers, *Empresarios*, with the families brought at their expense, are guaranteed by this law, so far as they are conformable with its provisions.

ART. 10. In the distributions of land, a preference shall be given to the military entitled to them, by the diplomas issued by the supreme executive power, and the Mexican citizens who are not military, among whom there shall be no other distinction, than that founded on their individual merit, or services performed for the country, or in equal circumstances, a residence in the place where the land may be situated; the quantity of land which may be granted, is designated in the following articles:

ART. 11. A square of land, which on each side has one league or five thousand varas, or what is the same thing, a superficies of twenty-five million varas, shall be called a sitio, and this shall be the unity for counting one, two, or more sitios; and also the unity for counting one, two, or more labors, shall be one million square varas, or one thousand varas on each side, which shall compose a labor. The vara for this measurement shall be three geometrical feet.

ART. 12. Taking the above unity as a basis, and observing the distinction which must be made between grazing land, or that which is proper for raising of stock, and farming land, with or without the facility of irrigation; this law grants to the contractor or contractors, for the establishment of a new settlement, for each hundred families which he may introduce and establish in the state, five sitios of grazing land, and five labors at least, the one half of which, shall be without the facility of irrigation, but they can only receive this premium for eight hundred families, although a greater number should be introduced, and no fraction whatever, less than one hundred, shall entitle them to any premium, not even proportionally.

ART. 13. Should any contractor or contractors in virtue of the number of families which he may have introduced, acquire in conformity with the last article, more than eleven square leagues of land, it shall nevertheless be granted, but subject to the condition of alienating the excess, within twelve years, and if it is not done, the respective political authority shall do it, by selling it at public sale, delivering the proceeds to the owners, after deducting the costs of sale.

ART. 14. To each family comprehended in a contract, whose sole occupation is cultivation of land, one labor shall be given; should he also be a stock raiser, grazing land shall be added to complete a sitio; and should his only occupation be raising of stock, he shall only receive a superfice of grazing land, equal to twenty-four million square bars.

ART. 15. Unmarried men shall receive the same quantity when they enter the matrimonial state, and foreigners who marry native Mexicans, shall receive one-fourth more; those who are entirely single, or who do not form a part of some family whether foreigners or natives, shall content themselves with the fourth part of the above mentioned quantity, which is all that can be given them until they marry.

ART. 16. Families or unmarried men who, entirely of their own accord, have emigrated and may wish to unite themselves to any new towns, can at all times do so, and the same quantity of land shall be assigned them, which is mentioned in the last two articles, but if they do so in the first six years from the establishment of the settlement, one labor more shall be given to families, and single men in place of the quarter designated in the 15th article, shall have the third part.

ART. 17. It appertains to the government to augment the quantity indicated in the 14, 15, and 16th articles, in proportion to the family, industry and activity of the colonists, agreeably to the information given on these subjects by the ayuntamientos and commissioners; the said government always observing the provision of the 12th article, of the decree of the general congress on the subject.

ART. 18. The families who emigrate in conformity with the 16th article shall immediately present themselves to the political authority of the place which they may have chosen for their residence, who finding in them the requisites, prescribed by this law for new settlers, shall admit them, and put them in possession of the corresponding lands, and shall immediately give an account thereof to the government; who of themselves, or by means of a person commissioned to that effect, will issue them a title.

ART. 19. The Indians of all nations, bordering on the state, as well as wandering tribes that may be within its limits, shall be received in

the markets, without paying any duties whatever for commerce, in the products of the country; and if attracted by the moderation and confidence, with which they shall be treated, any of them, after having first declared themselves in favor of our religion and institutions wish to establish themselves in any settlements that are forming, they shall be admitted, and the same quantity of land given them, as to the settlers, spoken of in the 14th and 15th articles, always preferring native Indians to strangers.

ART. 20. In order that there may be no vacancies between tracts, of which, great care shall be taken in the distribution of lands; it shall be laid off in squares, or other forms although irregular, if the local situation requires it; and in said distribution, as well as the assignation of lands for new towns, previous notice shall be given to the adjoining proprietors, if any, in order to prevent dissentions and law suits.

ART. 21. If by error in the accession, any land shall be granted, belonging to another, on proof being made of that fact, an equal quantity shall be granted elsewhere, to the person who may have thus obtained it through error, and he shall be indemnified by the owner of such land, for any improvements he may have made; the just value of which improvements shall be ascertained by the appraisers.

ART. 22. The new settlers as an acknowledgement, shall pay to the state, for each sitio of pasture land, thirty dollars; two dollars and a half for each labor without the facility of irrigation, and three dollars and a half for each one that can be irrigated, and so on proportionally according to the quantity and quality of the land distributed; but the said payments need not be made, until six years after the settlement, and by thirds; the first within four years, the second within five years, and the last within six years, under the penalty of losing the land, for a failure, in any of said payments; there are excepted from this payment, the contractors, and military, spoken of in the 10th article; the former, with respect to lands given them, as a premium, and the latter, for those which they obtained, in conformity with their diplomas.

ART. 23. The ayuntamientos of each municipality (*Comarca*,) shall collect the abovementioned funds, gratis, by means of a committee, appointed either within or without their body; and shall remit them as they are collected, to the treasurer of their funds; who will give the corresponding receipt, and without any other compensation than two and a half per cent., all that shall be allowed him, he shall hold them at the disposition of the government, rendering an account every month of the ingress and egress, and of any remissness or fraud, which he may observe in their collection, for the correct management of all which, the persons employed, and the committee, and the individuals of the ayuntamientos who appoint them, shall be individually responsible, and that this responsibility may be at all times effectual, the said appointments shall be made *viva voce*, and information shall be given thereof, immediately to the government.

ART. 24. The government will sell to Mexicans, and to them only, such lands as they may wish to purchase, taking care that there shall not be accumulated in the same hands more than eleven sitios; and under the condition, that the purchaser must cultivate what he acquires by this title within six years from its acquisition, under the penalty of losing them, the price of each sitio, subject to the foregoing condition,

shall be one hundred dollars, if it be pasture land; one hundred and fifty dollars, if it be farming land without the facility of irrigation; and two hundred dollars if it can be irrigated.

ART. 25. Until six years after the publication of this law, the legislature of this state, can not alter it as regards the acknowledgment, and price to be paid for land, or as regards the quantity and quality, to be distributed to the new settlers, or sold to Mexicans.

ART. 26. The new settlers, who within six years from the date of the possession, have not cultivated or occupied the lands granted them, according to its quality, shall be considered to have renounced them, and the respective political authority shall immediately proceed to take possession of them, and recall the titles.

ART. 27. The contractors and military, heretofore spoken of, and those who by purchase have acquired lands, can alienate them at any time, but the successor is obliged to cultivate them in the same time, that the original proprietor was bound to do; the other settlers can alienate theirs when they have totally cultivated them, and not before.

ART. 28. By testamentary will, made in conformity with the existing laws, or those which may govern in future, any new colonist, from the day of his settlement, may dispose of his land, although he may not have cultivated it, and if he dies intestate, his property shall be inherited by the person or persons entitled by the laws to it; the heirs being subject to the same obligation and condition imposed on the original grantee.

ART. 29. Lands acquired by virtue of this law, shall not by any title whatever, pass into mortmain.

ART. 30. The new settler who wishing to establish himself in a foreign country, resolves to leave the territory of the state, can do so freely with all his property; but after leaving the state, he shall not any longer hold his land, and if he had not previously sold it, or the sale should not be in conformity with the 27th article, it shall become entirely vacant.

ART. 31. Foreigners who in conformity with this law, have obtained land, and established themselves in any new settlement, shall be considered from that moment, naturalised in the country; and by marrying a Mexican, they acquire a particular merit to obtain letters of citizenship of the state, subject however to the provisions which may be made relative to both particulars, in the constitution of the state.

ART. 32. During the first ten years, counting from the day on which the new settlements may have been established, they shall be free from all contributions, of whatever denomination, with the exception of those which, in case of invasion by any enemy, or to prevent it, are generally imposed, and all the produce of agriculture or industry of the new settlers, shall be free from excise duty *Alcabala*, or other duties, throughout every part of the state, with the exception of the duties referred to in the next article; after the termination of that time, the new settlements shall be on the same footing as to taxes, with the old ones, and the colonists shall also in this particular, be on the same footing with the other inhabitants of the state.

ART. 33. From the day of their settlement, the new colonists shall be at liberty to follow any branch of industry, and can also work mines of every description, communicating with the supreme government of the confederation, relative to the general revenue appertaining

to it, and subjecting themselves in all other particulars, to the ordinances or taxes, established or which may be established on this branch.

ART. 34. Towns shall be founded on the sites deemed most suitable, by the government, or the person commissioned for this effect, and for each one, there shall be designed four square leagues, whose area may be in a regular or irregular form, agreeably to the situation.

ART. 35. If any of the said sites should be the property of an individual, and the establishment of new towns on them, should notoriously be of general utility, they can, notwithstanding, be appropriated to this object, previously indemnifying the owner for its just value, to be determined by appraisers.

ART. 36. Building lots in the new towns shall be given gratis, to the contractors of them, and also to artists of every class, as many as are necessary for the establishment of their trade; and to the other settlers they shall be sold at public auction, after having been previously valued—under the obligation to pay the purchase money by instalments of one third each; the first in six months, the second in twelve months, and the third in eighteen months; but all owners of lots, including contractors and artists, shall annually pay one dollar for each lot, which, together with the produce of the sales, shall be collected by the ayuntamientos, and applied to the building of churches in said towns.

ART. 37. So far as practicable, the towns shall be composed of natives and foreigners, and in their delineations great care should be taken to lay off the streets straight, giving them a direction from north to south, and from east to west, when the site will permit it.

ART. 38. For the better location of the said new towns, their regular formation and exact partition of their lands and lots, the government on account of having admitted any project, and agreed with the contractor or contractors, who may have presented it, shall commission a person of intelligence and confidence, giving him such particular instructions as may be deemed necessary and expedient; and authorising him under his own responsibility, to appoint one or more surveyors to lay off the town scientifically, and do whatever else may be required.

ART. 39. The governor in conformity with the last fee bill *Arancel*, of notary publics of the ancient audience of Mexico, shall designate the fees of the commissioner, who, in conjunction with the colonists, shall fix the surveyor's fees; but both shall be paid by the colonists, and in the manner which all parties among themselves may agree upon.

ART. 40. As soon as at least forty families are united in one place, they shall proceed to the formal establishment of the new towns, and all of them shall take an oath to support the general and state constitutions; which oath will be administered by the commissioner, they shall then, in his presence, proceed for the first time to the election of their municipal authority.

ART. 41. A new town, whose inhabitants shall not be less than two hundred, shall elect an ayuntamiento, provided there is not another one established within eight leagues, in which case, it shall be added to it. The number of individuals which are to compose the ayuntamiento, shall be regulated by the existing laws.

ART. 42. Foreigners are eligible, subject to the provisions which the constitution of the state may prescribe, to elect the members of their municipal authorities, and to be elected to the same.

ART. 43. The municipal expenses, and all other others which may be considered necessary, or of common utility to the new towns, shall be proposed to the governor, by the ayuntamientos through the political chief, accompanied with a plan of the taxes *arbitrios*, which in their opinion may be just and best calculated to raise them, and should the proposed plan be approved by the governor, he shall order it to be executed, subject however to the resolution of the legislature, to whom it shall be immediately passed with his report and that of the political chief, who will say whatever occurs to him on the subject.

ART. 44. For the opening and improving of roads and other public works in Texas, the government will transmit to the chief of that department the individuals who, in other parts of the state, may have been sentenced to public works as vagrants, or for other crimes, these same persons may be employed by individuals for competent wages, and as soon as the time of their condemnation is expired, they can unite themselves as colonists to any new settlement, and obtain the corresponding lands, if their reformation shall have made them worthy of such favor in the opinion of the chief of the department, without whose certificate they shall not be admitted.

ART. 45. The government in accord with the respective ordinary ecclesiastics, will take care to provide the new settlements with the competent number of pastors, and, in accord with the same authority, shall propose to the legislature for its approbation, the salary which the said pastors are to receive, which shall be paid by the new settlers.

ART. 46. The new settlers as regards the introduction of slaves, shall subject themselves to the existing laws, and those which may hereafter be established on the subject.

ART. 47. The petitions now pending relative to the subject of this law, shall be despatched in conformity with it, and for this purpose, they shall be passed to the governor, and the families who may be established within the limits of the state, without having any land assigned them, shall subject themselves to this law, and to the orders of the supreme government of the Union, with respect to those who are within twenty leagues of the limits of the United States of America, and ten leagues in a straight line of the coast of the Gulf of Mexico.

ART. 48. This law shall be published in all the villages of the state, and that it may arrive at the notice of all others throughout the Mexican confederation, it shall be communicated to their respective legislatures, by the secretary of this state; and the governor will take particular care to send a certified copy of it, in compliance with the 161st article of the federal constitution, to the two houses of congress, and the supreme executive power of the nation, with a request to the latter to give it general circulation through foreign states, by means of your ambassadors.

The governor pro tem. of the state will cause it to be published and circulated.—Saltillo, 24th March, 1825.—Signed,

RAFAEL RAMOS Y VALDEZ, *President.*

JUAN VICENTE GAMPOS, *Member and Sec'y.*

JOSE JOAQUIN ARCE ROSALES, *Member and Sec'y.*

Therefore, I command all authorities, as well civil as military and ecclesiastical, to obey, and cause to be obeyed, the present decree in all its parts.

RAFAEL GONZALES, *Governor.*

[No. 22.] *Contract with the Government of the State for the Colonisation of five hundred Families.*

*Executive Department of the State of Coahuila and Texas.*

I have before me the representation, directed by you to the supreme government of the nation, dated 6th November, 1824, soliciting that Galveston might be made a port of entry, and asking authority to settle two or three hundred families, more or less, on the lands contiguous to those already distributed in that colony, and particularly on the bay of Galveston, and the rivers that discharge into it; you also ask authority to found a town, on the island of Galveston, or at some suitable point; which representation was transmitted to me by the honorable legislature of the state, when it communicated to me the law of colonisation, passed by that body the 24th of March last, for the purposes which might be necessary, relative to said new colony proposed by you.

Subsequently, I received your representation of the 4th of February last, on the same subject, and proposing to colonize three hundred honest and industrious families, a part of whom were in the country on the Trinity, and Neches rivers, beyond your limits; which families you offer to settle on the waters of the Brazos and Colorado, as high as to the San Antonio road.

In consequence of your representations, and keeping in view the contracts, made by this government a few days since, with four other empresarios, to colonize all the lands adjacent to your colony on the east, north and west, with two thousand four hundred families; in conformity with the law of colonisation, and the conditions imposed by the government, excepting only, the ten border leagues on the coast, and twenty border leagues on the boundary line, reserved by the national colonisation law, of the 18th August, 1824, subject to the disposition of the national government; and being informed that there remains much vacant land within the limits of your first colony, not granted to any person; I hereby grant the permission which you petition for, to settle the three hundred families you mention, on the vacant lands, remaining in the colony now under your charge, and not comprehended in any of those already granted to other empresarios, so as to avoid granting an establishment on lands already assigned to others for that purpose.

In case you still wish to effect the colonisation of the said three hundred families, which you propose, within the limits of your first colony, the said additional families must subject themselves to the federal constitution, and that of the state, and to the general and local laws of their adopted country; the said new colony shall also be regulated by the colonisation law of the state of the 24th March last, and you as empresario, must be subject to the following stipulations:

ART. 1. The government admits the proposition presented by citizen Stephen F. Austin, in his representation of the 4th February, of the last year, relative to the colonisation of three hundred families, so far as may be conformable with the colonisation law, passed by the honorable legislature of this state, 24th March last; and I hereby designate, in compliance with the 8th article of said law, and in consequence of your repre-

sentation, the vacant land within the limits of the colony which you have already established, excepting only the ten border leagues on the coast, which can only be colonised with the previous approbation of the supreme executive power of the nation, in conformity with the law of the 18th August, 1824.

ART. 2. You shall respect the possessions given to individuals, who occupy the lands within your limits, under legal titles.

ART. 3. In conformity with the said colonisation law of the 24th March, the empresario, citizen Stephen F. Austin, shall introduce the three hundred families which he proposes, within the term of six years, counting from the day on which the said empresario signs this contract, under the penalty of losing the rights and privileges granted to him by the eighth article of said law.

ART. 4. The families that are to compose this colony, besides being industrious as offered in the representation, must also be catholics, and of good moral habits, which qualifications must be proved by the documents, required in the 5th article of the colonisation law, of the 24th March.

ART. 5. It shall be an obligation upon him, not to admit criminals, vagabonds, or men of bad conduct, and he shall cause all those of this description, who are found within his limits to leave it, and should it be necessary, he shall put them out by force of arms.

ART. 6. For this purpose the colonists shall be formed into a body of national militia, of which he shall be the chief, until otherwise directed.

ART. 7. So soon as he shall have introduced at least one hundred families, he shall notify the government thereof, in order that a commissioner may be sent with competent instructions to put new colonists in possession of their lands, and to establish the new towns agreeably to law.

ART. 8. The official communications with the government, and with the authorities of the state, instruments, and other public acts, must be written in the Spanish language, and when new towns are formed he shall promote the establishment of schools in the Spanish language, in such towns.

ART. 9. It shall also be his duty to promote the building of churches in said towns, and the providing of them with ornaments, sacred vases and other furniture, destined for divine worship, and to solicit in due time the necessary number of priests for the administration of spiritual affairs.

ART. 10. In all other particulars not expressed in the above stipulations, he shall subject himself to the colonisation law, and other general laws.

ART. 11. The foregoing are the conditions or stipulations on which this government admits the new project of colonisation, proposed by you in your aforementioned official representation, and should they be accepted by you, you will so declare under your signature at the end of this instrument, which you will then return to me, to be filed in the archives of this government, and a certified copy thereof, and of your official representation attested by the secretary of state, shall be immediately transmitted to you for your security in order that you may

immediately proceed with said project. God and Liberty. Saltillo, 27th of April, 1825.

RAFAEL GONZALES, *Governor of the State.*

To Citizen STEPHEN F. AUSTIN.

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Having seen the stipulations and conditions, stated in the foregoing official instrument of his excellency, Rafael Gonzales, governor of the state of Coahuila and Texas, relative to the colonisation of three hundred foreign families on the vacant lands remaining within the colony which I have already established in Texas; I hereby declare my acceptance of the same, and agree to comply with them in every particular under the penalty of losing the rights and privileges mentioned in the third article of said stipulations. San Felipe de Austin, 4th of June, 1825.

STEPHEN F. AUSTIN.

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[No. 23.] *Official letter of the Governor extending the foregoing Contract to five hundred families.*

*Executive Department of the state of Coahuila and Texas.*

On the 27th of April last, I transmitted to you the conditions on which the government admitted the project of colonising three hundred families, proposed by you to the government of the Union in your representation of the 6th of November, 1824, and in that to the government of this state, of the 4th of February last, specifying more particularly the section you wish to colonise.

I have just received the new representation which you have transmitted, under the date of the 4th of April last, proposing to establish five hundred families in said new colony; and understanding that the district designated for you in my communication of the 27th of April last, is sufficiently extensive to settle the five hundred families which you now propose, I hereby grant you permission to do so on the same conditions which I have before indicated to you, it being understood that your former petitions on this subject are all consolidated in the last ones of the 4th of April.

As regards establishing the port of Galveston I will communicate the result to you separately as soon as the sovereign congress of the nation determines that question. God and Liberty. Saltillo, 20th of May, 1825.

RAFAEL GONZALES, *Governor of the State.*

To Citizen STEPHEN F. AUSTIN.

[No. 24.] *Limits of the above mentioned Colony.*

*Executive Department of the State of Coahuila and Texas.*

Taking into consideration the representation of citizen Stephen F. Austin, an empresario of the department of Texas, for the colonisation of five hundred families on unappropriated lands of the state, asking a specific demarcation of limits within which the said families are to be settled; in order to avoid at all times any kind of doubts, or disputes between adjoining empresarios, or the respective colonists, situated near the same limits, and keeping in view the concessions granted by this government to the empresarios Green De Wit, Robert Leftwitch, and John Lucius Woodbury, which are situated on the west, north and east of the colony, of said citizen, Stephen F. Austin; I have thought proper to add as an additional article to the contract on colonisation, concluded the 4th of June, 1825, the following permanent demarcation of limits for the before mentioned colony.

Commencing on the west bank of the river San Jacinto, at the termination of the ten league reserve, from the gulf of Mexico and thence following up the right bank of said river to its head, thence due north, to the road leading from Bexar to Nacogdoches; thence following said road westwardly, to a point from whence a line due south will strike the La Baca to within ten leagues of the Gulf of Mexico, and thence eastwardly along the said ten league line parallel with the coast, to the place of beginning.

This order and the petition of said Austin on the subject, shall be added to the documents relative to said colony of five hundred families, and it shall also be communicated to said empresario, and all others who may be interested, for their information.

And I communicate it to you, and under this date have also communicated it to the commissioners of that colony, for the corresponding effects. God and Liberty. Saltillo, 7th March, 1827.

ARISPE, *Governor of the State.*

To Citizen STEPHEN F. AUSTIN.

JUAN ANTONIO PADILLA,  
*Secretary of State.*

[No. 25.] (*Commission of Gaspar Flores, for the second colony.*)

*Executive Department, of the State of Coahuila and Texas.*

Convinced of your honor, integrity, and other necessary qualifications, I have thought it proper to appoint you commissioner for the partition of lands, to the new colonists, in the contract of colonisation, of citizen Stephen F. Austin, with the government of this state; which I communicate to you, for your information, with the understanding that I will transmit to you the instructions, and other documents, by which

you are to be governed in the discharge of this most important commission.—God and Liberty.—Saltillo, 21st April, 1826.

ARISPE.

To citizen GASPER FLORES.

JUAN ANTONIO PADILLA,  
*Secretary of State.*

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[No. 27.] *Contract with the Government for settling the reserve land on the coast, between La Baca and San Jacinto.*

Petition of S. F. Austin, to the President.—The land situated within the ten border leagues from the Gulf of Mexico on the Brazos and Colorado rivers is in part colonised by me, under the concession granted by the supreme government of the Mexican nation, thus leaving a portion of vacant land within said ten leagues; and as it is of great importance to the prosperity of this new colonial establishment, that said ten leagues should be added to the colony, which the government of the state of Coahuila and Texas has assigned to me, for the settlement of the five hundred families which I have contracted to introduce; I therefore petition the national government to grant me permission to colonise the ten border leagues on the coast, within the following limits—to wit, beginning on the east side of the La Baca, ten leagues from the coast, thence eastwardly following the northern boundary of the ten border leagues, to the river San Jacinto; thence down the same to the coast, thence following the latter westwardly to the mouth of said La Baca, and up said river to the place of beginning; comprehending all the vacant lands between the said rivers La Baca and San Jacinto, and within the ten border leagues from the coast; and that section of country should be added to the beforementioned colony, to be colonised under the same conditions stipulated with the government of the state of Coahuila and Texas, for said colony of five hundred families.

STEPHEN F. AUSTIN.

*San Felipe de Austin, 5th June, 1826.*

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*Opinion of the Governor of the State on the foregoing petition.*

Most Excellent Sir:—I have the honor to transmit to your excellency the original petition of citizen Stephen F. Austin, empresario of the colony of this name, on the Brazos and Colorado rivers in Texas; soliciting permission to colonise the ten border leagues on the Gulf of Mexico, between La Baca and San Jacinto.

Having completed the colony of three hundred families, which the said Austin contracted with the supreme government of the nation in April 1823, he solicited, in 1825, authority from the State government to introduce five hundred families more, and settle them in the section of country designated for his first colony, and a contract was entered into with him, for that purpose, on the terms and conditions expressed in the

copy of said contract; which I herewith have the honor of transmitting to your excellency for the better elucidation of this subject.

This government in forwarding the above mentioned petition to your excellency, in compliance with the 7th article of the colonisation law of this state of the 24th of March, 1825, has the satisfaction of informing your excellency, that it can discover no objections whatever to the approval of said petition by the supreme government of the nation, but on the contrary it is of opinion that great benefits will result from said establishment; and that commerce, in the products of the new colonists, will flourish in consequence of the settlement of those lands, and the opening of the ports of Brazos, Colorado and La Baca.

As regards the merits of the said empresario, I can assure your excellency, that besides being the first who introduced the first families in Texas, when the country was an entire wilderness, and being a citizen of this nation, by a special letter of citizenship, he has proved by his conduct and adhesion to the established government, that he merits the highest confidence. God and liberty. Saltillo, 17th July, 1826.

VICTOR BLANCO,  
JUAN ANTONIO PADILLA.

To his Excellency, the Minister of }  
Interior and Exterior Relations. } *Secretary of State.*

*Approbation of the President.*

Most Excellent Sir:—Having rendered an account to his excellency, the president, of the petition of citizen Stephen F. Austin, empresario of the colony of this name, on the Brazos and Colorado Rivers of Texas, asking permission to colonise ten border leagues on the Gulf of Mexico, between the La Baca and San Jacinto; the president has thought proper, in conformity with your opinion of the 17th July, 1826, which accompanied said petition, to approve of the concession of the lands which the interested person has petitioned for, under the condition of subjecting himself, in all things relative to said new colony, to the law on the subject of the 18th August, 1824.

Which I communicate to your excellency by order of the president, for the corresponding effects. God and liberty. Mexico, 22d April, 1828.  
CANEDO.

To his Excellency the Governor of the State of Coahuila and Texas.

*Representation of S. F. Austin to the Governor of the State.*

Citizen Stephen F. Austin, with due respect, represents that his excellency the president of the United Mexican States, having granted me permission to colonise the ten border leagues on the coast, between La Baca and San Jacinto, as appears by the official letter of the minister of relations dated 22d April last; and as I am ready to commence the enterprise so soon as I receive the competent authority from the government of the state of Coahuila and Texas; I therefore solicit your excellency to au-

thorise me, in conformity with the law on the subject, to colonise the land comprehended within the before mentioned limits, and to survey and divide out said lands, to the colonists, in the portions prescribed by law, and to issue to them their titles of possession and property, in the name of the government of this state, giving to me the term of six years to complete said enterprise, the colonists paying the expenses of the surveying, titles, and possessions, according to the provisions of the law; I also ask authority to select and take for my own proper use, benefit and property, the quantity of five leagues and five labors, which I am entitled to as empresario agreeably to law, for each one hundred colonists, which I establish within said limits, governing myself in all things by the general law of colonisation of 18th August, 1824, and the state law of the 24th March, 1825; and for my security I petition that your excellency will be pleased to transmit to me an attested copy in due form, of the said official letter of his excellency, the minister of relations, of 22d April last, and of this petition, and of the authority which your excellency may think proper to give me on this subject. Town of Austin, 2d June, 1828.

STEPHEN F. AUSTIN.

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*Contract between the Government of the state and Austin; and appointment of the latter as commissioner.*

In the city of Leona Vicario (*Saltillo*) this ninth day of July 1828, His Excellency the governor of the State of Coahuila and Texas, having examined the foregoing petition of citizen Stephen F. Austin, and the accompanying documents relative to the colonisation of the border lands, situated on the coast of the Gulf of Mexico, from the La Baca to the San Jacinto, and taking into consideration the merits and qualifications of said citizen Stephen F. Austin, has thought proper to declare on said petition and documents, the resolution contained in the following articles and conditions.

ART. 1. In virtue of the approbation of the supreme government of the nation, dated 22d April, of the present year, which forms a part of the documents in this matter; the government of this state admits the project of colonisation, presented by said empresario, so far as it is conformable to the general law of the 18th August, 1824, and the law of the state, of the 24th March, 1825, both of them on the subject of colonisation, and I hereby designate in compliance with the 8th article of the said state law, the territory which he solicits, under the following boundaries: beginning at the mouth of the La Baca on its left bank, thence following along the coast of the Gulf of Mexico to the point where the San Jacinto river discharges into Galveston Bay; thence following up the left bank of the San Jacinto river ten leagues in a straight line, thence westwardly parallel with the coast to a point on the La Baca, ten leagues in a straight line above its mouth, thence following down the left bank of said La Baca to its mouth, at the place of beginning.

ART. 2. All possessions under legal titles which may be found within the territory, designated in the preceding article, shall be respected by the new colonists, and the said empresario is hereby charged with the fulfilment of this duty.

ART. 3. At any time, in case the government should need any tracts of land which, from their local situation, may be useful, beneficial, and proper, for the construction of any forts, wharves, or public warehouses, for the defence of any ports, or establishment of the public administration, the empresario shall not have any right to impede the occupation of any such lands or useful points which may be selected by officers appointed by the government, and which may be necessary for any objects of public security or integrity of the territory, although they may not be comprehended in those specified in this article.

ART. 4. Citizen Stephen F. Austin, having the confidence of the government, is hereby authorised in due form to discharge, at the same time, both the obligations of empresario, and the duties and functions of commissioner of the government, in the establishment of new towns and settlements in the before-mentioned border lands, which are the subject of this contract, and to cause said lands to be surveyed and divided out to the colonists, with entire conformity to the law, on the subject and to the instructions of the government, which will be separately directed to him.

ART. 5. Inasmuch as the said empresario has not clearly expressed the number of families which he offers to introduce on said border territory, which he is now permitted to colonise; it is necessary that he should make a specific declaration to the government as to this particular, or whether he has another contract of five hundred families pending, to be established in the interior of the country, it is his wish to locate a part of them in said border territory, as appears to be indicated by his representation of 5th June, 1826, whatever said Stephen F. Austin may determine on this point shall be considered as inserted in this article.

ART. 6. The said empresario shall have the right to receive the lands designated in the 12th article of the colonisation law of this state in proportion to the number of families he is to introduce, and to select said land at the sites or situation which he may choose, the titles of possession for said lands in favor of the said empresario shall be delivered by the first alcalde of the town of San Felipe de Austin, who is hereby commissioned in due form for the sole purpose.

ART. 7. The other duties and obligations of citizen Stephen F. Austin, as empresario, are those of a general nature, which, although not expressed in this contract, are inserted in his contract for five hundred families, extended by this government the 27th of April, 1825, all of which shall be considered as herein inserted.

ART. 8. His duties and obligations as commissioner of the government for this enterprise, are those prescribed by the law of colonisation of this state, of the 24th March, 1825, and by the instructions to the commissioner approved by the legislature the 4th of September, 1827, and by which all his operations shall be governed under the responsibilities therein specified.

ART. 9. The certified copy in due form, solicited by said citizen Stephen F. Austin, of the documents on this subject, and of this contract, shall be delivered to him attested by the secretary of state, in order that, should this contract be accepted of by him, said Austin, it shall be considered as concluded and perfected from the date of his acceptance thereof, from which date the term of six years shall be computed,

prescribed by law for the introduction of the families under this colonisation enterprise.

ART. 10. The salary or fees corresponding to the commissioner, shall be regulated by the provisions of the law of the legislature of the state, No. 62, dated 15th of May of the present year.—Date as above.

J. MARIA VIESCA.

JUAN ANTONIO PADILLA, *Sec'y of State.*

Citizen Juan Antonio Padilla, secretary of the state of Coahuila and Texas. I certify that the foregoing is literally and legally copied from the originals, which are on file in this office under my charge.

JUAN ANTONIO PADILLA,  
*Secretary of State.*

*Leona Vicario, 12th July, 1828.*

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*Acceptance of the foregoing Contract by S. F. Austin.*

Having examined the contract which his excellency the governor of the state of Coahuila and Texas has thought proper to comprise in ten articles, dated in the city of Leona Vicario, 9th July, 1828, for the colonisation of the ten border leagues on the coast of the Gulf of Mexico, between the La Baca and San Jacinto, in Texas; I, citizen Stephen F. Austin, declare that I accept of the said contract, under its stipulations; and as respects the fifth article of the same, which requires a declaration on my part of the number of families which I engage to introduce, in virtue of said contract, I hereby declare and offer to introduce the number of three hundred; it being understood that I am to receive the premium land, in proportion to the families which I introduce, designated for empresarios, in the 12th article of the colonisation law of the state, although they should not amount to three hundred, if they exceed one hundred as provided in said 12th article; and being regulated by the maximum, established in the same article of said law, and by the contracts entered into with the government, by me on the 27th April, 1825, and the 20th November, 1827.—God and Liberty.—Town of Austin, 20th July, 1828.

STEPHEN F. AUSTIN.

To his excellency the governor of the state of Coahuila and Texas.

*Executive Decree on the above Acceptation.*

*Leona Vicario, 21st August, 1828.*

The above acceptation is added to the documents, and a copy of it, and of this decree, shall be transmitted to the empresario for his security.

VIESCA.

JUAN ANTONIO PADILLA, *Sec'y of State.*

A copy from the original, filed with the respective documents in this office under my charge.—Leona Vicario, 22d August, 1828.

JUAN ANTONIO PADILLA, *Sec'y of State.*

*Instructions to the Commissioner appointed by the Legislature of the State.*

*Executive Department of the State of Coahuila and Texas.*

Instructions by which the commissioner shall be governed in the partition of lands to the new colonists, who may establish themselves in the state, in conformity with the colonisation law of the 24th March, 1825.

ART. 1. It shall be the duty of the commissioner, keeping in view the contract which an empresario may have entered into with the government, and also the colonisation law of the 24th March, scrupulously to examine the certificates or recommendations which foreign emigrants must produce from the local authorities of the place where they removed from, accrediting their christianity, morality, and steady habits, in conformity with the 5th article of said law, without which requisite they shall not be admitted in the colony.

ART. 2. In order to prevent being imposed on by false recommendations, the commissioner shall not consider any as sufficient without a previous opinion in writing as to their legitimacy, from the empresario, for which purpose they shall be passed to him by the commissioner.

ART. 3. The commissioner shall administer to each of the new colonists the oath in form, to observe the federal constitution of the United Mexican states, the constitution of the state, the general laws of the nation, and those of the state which they have adopted for their country.

ART. 4. He shall issue in the name of the state the titles for land, in conformity with the law, and put the new colonists in possession of their lands, with all legal formalities, and the previous citation of adjoining proprietors, should there be any.

ART. 5. He shall not give possession to any colonists who may have established, or who may wish to establish themselves within twenty leagues of the limits of the United States of the north, or within ten leagues of the coast, unless it should appear that the supreme government of the nation had approved thereof.

ART. 6. He shall take care that no vacant lands be left between possessions, and in order that the lines may be clearly designated, he shall compel the colonists, within the term of one year, to mark their lines, and to establish fixed and permanent corners.

ART. 7. He shall appoint, under his own responsibility, the surveyor, who must survey the land scientifically, requiring him previously to take an oath truly and faithfully to discharge the duties of his office.

ART. 8. He shall form a manuscript book of paper of the 3d stamp, in which shall be written the titles of the lands distributed to the colonists, specifying the names, the boundaries, and other requisites, and legal circumstances; and a certified copy of each title shall be taken from said book on paper of the 2nd stamp, which shall be delivered to the interested person on his title.

ART. 9. Each settler shall pay the value of the stamp paper used in issuing his title both for the original and copy.

ART. 10. This book shall be preserved in the archives of the new colony, and an exact form of it shall be transmitted to government,

specifying the number of colonists, with their names, and the quantity of land granted to each one, distinguishing that which is farming land with or without the facilities of irrigation, and that which is granted as grazing land.

ART. 11. He shall select the site which may be the most suitable for the establishment of the town or towns, which are to be founded agreeably to the number of families composing the colony, and keeping in view the provisions of the law of colonisation on this subject.

ART. 12. After selecting the site destined for the new town, he shall take care that the base lines run north and south, east and west; and he will designate a public square one hundred and twenty varas on each side, exclusive of the streets, which shall be called the *principal, or constitutional square*, and this shall be the central point from which the streets shall run, for the formation of squares and blocks in conformity with the model hereto annexed.

ART. 13. The block situated on the east side of the principal square shall be destined for the church, curate's house, and other ecclesiastical buildings. The block on the west side of said square shall be designated for public buildings of the municipality. In some other suitable situation a block shall be designated for a market square, another for a jail and house of correction, another for a school and other edifices for public instruction, and another beyond the limits of the town for a burial ground.

ART. 14. He shall, on his responsibility, cause the streets to be laid off straight, and that they are twenty varas wide, to promote the health of the town.

ART. 15. Mechanics, who at the time of founding a new town, present themselves to settle in it, shall have the right of receiving one lot a piece without any other cost than the necessary stamp paper for issuing the title, and the light tax of one dollar annually for the construction of the church.

ART. 16. The lots spoken of in the preceding article shall be distributed by lot, with the exception of the *empresario*, who shall be entitled to any two lots he may select.

ART. 17. The other lots shall be valued by appraisers according to their situation, and sold to the other colonists at their appraised value. In case there should be a number of applicants for the same lot, owing to its situation or other circumstances, which may excite competition, it shall be decided by lot as prescribed in the preceding article; the product of said lots shall be appropriated to the building of a church in said town.

ART. 18. He shall, in union with the *empersario*, promote the settlement of each town by the inhabitants belonging to its jurisdiction, who take lots in it, and cause them to construct houses on said lots within a limited time under the penalty of forfeiting them.

ART. 19. He shall form a manuscript book of each new town, in which shall be written the titles of the lots which are given as a donation, or sold, specifying their boundaries and other necessary circumstances, a certified copy of each one of which on the corresponding stamp shall be delivered to the interested person as his title.

ART. 20. He shall form a topographical plan of each town that may

be founded, and transmit it to the government, keeping a copy of it in the said register book of the colony.

ART. 21. He shall see that at the crossing of each of the rivers on the public roads, where a town is founded, a ferry is established at the cost of the inhabitants of said town, a moderate rate of ferriage is established to pay the salary of the ferryman and the cost of the necessary boats, and the balance shall be applied to the public funds of the town.

ART. 22. In places where there is no towns, and where ferries are necessary, the colonists who may be settled there shall be charged with the establishment of the ferry, collecting a moderate ferriage until such ferries are rented out for the use of the state. Any colonist who wishes to establish a ferry on the terms above indicated, shall form an exact and certified account of the costs which he may be at for the building of boats, and also an account of the produce of the ferry, in order that when said ferry is rented out for the use of the state, he shall have a right to receive the amount of said expenses which had not already been covered by the produce of the ferry, which for the present he will collect.

ART. 23. He shall preside at the popular elections mentioned in the 40th article of the colonisation law for the appointment of the ayuntamiento, and shall put the elected in possession of their offices.

ART. 24. He shall take special care that the portions of land granted to the colonists by articles 14, 15, and 16, shall be measured by the surveyors with accuracy, and not permit any one to include more land than is designated by law, under penalty of being personally responsible.

ART. 25. Should any colonist solicit, in conformity with the 17th article of the law, an augmentation of land beyond that designated in the preceding articles, on account of the size of the family, industry, or capital, he shall present his petition in writing to the commissioner, stating all the reasons on which he founds his petition, who shall transmit it to the governor of the state, together with his opinion, for which opinion he shall be responsible in the most rigid manner, in order that the governor may decide on the subject.

ART. 26. All the public instruments, titles, or other documents issued by the commissioner, shall be written in Spanish, the memorials, decrees, and reports of the colonists or empresarios, on any subject whatever, shall be written in the same language, whether they are to be transmitted to the government, or preserved in the archives of the colony.

ART. 27. All public instruments or titles of possession, and the copies signed by the commissioner, shall be attested by two assistant witnesses.

ART. 28. The commissioner shall be personally responsible for all acts or measures performed by him contrary to the colonisation law, or these instructions.

A copy.—Saltillo, September 4th, 1827.

TIJERINA, } *Secretaries of the*  
 ARCINIEGA, } *Legislature.*  
 A copy, JUAN ANTONIO PADILLA.  
*Secretary of State.*

CONSTITUTIVE ACTS

OF THE

MEXICAN FEDERATION

21 OF JANUARY, 1824

ALSO

FEDERAL CONSTITUTION

OF THE

UNITED MEXICAN STATES

OCTOBER 4, 1824

---

MEXICO.

1824



# CONSTITUTIVE ACTS

OF THE

# MEXICAN FEDERATION

21 OF JANUARY, 1824

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*The Supreme Executive Power*, provisionally appointed by the sovereign Mexican Congress, to all to whom these presents shall come, greeting: Know ye, that the sovereign Constituent Congress has decreed as follows:

The sovereign Constituent Mexican Congress has thought proper to enact the following *Constitutive Act of the Federation*.

### *Form of government and Religion.*

ART. 1. The Mexican nation is composed of the provinces formerly known as the vice-royalty of New Spain, the captain-generalship of Yucatan, and the internal provinces of the east and west.

ART. 2. The Mexican nation is for ever free and independent of Spain, and of every other power, and it is not, nor can it ever become the patrimony of any family or person.

ART. 3. The sovereign power resides wholly and exclusively in the nation, which has consequently the exclusive power to adopt and to establish by means of its representatives, the form of government and other fundamental laws, which may appear to it best suited to its preservation and prosperity, and to change and to modify such laws, whenever it may think proper.

ART. 4. The religion of the Mexican nation is and shall perpetually remain the Roman Catholic and Apostolic. The nation protects it by just and wise laws, and prohibits the exercise of every other.

ART. 5. The nation adopts for the form of its government, a popular representative and federal republic.

ART. 6. Its integral parts are free, sovereign and independent states, in as far as regards exclusively its internal administration, according to the rules laid down in this act, and in the general constitution.

ART. 7. The states, at present comprising the federation, are the following; viz: Guanajuato; the internal state of the west composed of the provinces of Sonora and Sinaloa; the internal state of the east comprising the provinces of New Leon, Coahuila and Texas; the internal state of the north containing the provinces of Chihuahua, Durango and New Mexico; Mexico; Michoacan; Oajaca; Puebla de los Angeles; Queretaro; San Luis

Potosi; New Santander, called also Tamaulipas; Tabasco; Tlascalá; Vera Cruz; Jalisco; Yucatan and Zacatecas. The Californias and the district of Colima, (except the town of Tonila, which remains annexed to Jalisco) will for the present be territories of the Federation and directly subject to its supreme power. The districts and towns composing the province of the Isthmus of Guasacualco will return to those to whom they formerly belonged. The Lagune of Terminos appertains to the state of Yucatan.

ART. 8. The constitution may increase the number of states mentioned in the preceding article, and modify them as it may deem most conducive to the happiness of the people.

#### *Division of Powers.*

ART. 9. The supreme power of the Federation is divided into the legislative, executive, and judicial, and two or more of these powers can never be united in one person or corporation, nor can the legislative power be entrusted to a single individual.

#### *The Legislative Power.*

ART. 10. The legislative power of the Federation resides in a Chamber of Deputies and a senate, to be formed by the general congress.

ART. 11. The members of the Chamber of Deputies, and of the Senate shall be named by the states in the manner prescribed by the constitution.

ART. 12. The population shall be the basis of appointment of representatives to the Chamber of Deputies. Each state shall name two senators in the manner prescribed by the constitution.

ART. 13. The general congress shall have the exclusive right to enact laws and decrees;

1. To sustain the national independence, and to provide for the preservation and security of the nation in its external relations.

2. To preserve public peace and order in the interior of the Federation and to promote its improvement and general prosperity.

3. To maintain the independence of the states among themselves.

4. To protect and to regulate the liberty of the press throughout the Federation.

5. To preserve the federal union of the states, definitely to adjust their limits, and terminate their differences.

6. To sustain the relative equality of obligations and rights which the states are entitled to according to law.

7. To admit new states and territories into the federal union, by incorporating them with the nation.

8. To fix annually the expenses of the nation, after examining the statements, which for that purpose will be presented to it by the executive power.

9. To establish the contributions necessary to defray the general expenses of the republic, to determine their investment, and to require an account of their disbursement from the executive power.

10. To regulate commerce with foreign nations, and among the different states of the Federation and the Indian tribes.

11. To incur debts on behalf of the republic, and to give securities for their payment.

12. To acknowledge the public debt of the nation, and to indicate the means of consolidating the same.

13. To declare war after considering the facts which may be presented to its consideration by the executive power.

14. To grant letters of marque, and to declare lawful or otherwise the captures by land and sea.

15. To designate and to organise the sea and land forces, fixing the quota of each state.

16. To organise, arm and discipline the militia of the states, reserving to each the appointment of its respective officers, and the faculty of instructing them in conformity with the discipline prescribed by the general congress.

17. To approve all treaties of peace, alliance, amity, federation, armed neutrality, and every other which may have been entered into by the executive power.

18. To regulate and make uniform the weight, value, form, fineness and denomination of the money in all the states of the Federation, and to adopt a general system of weights and measures.

19. To grant, or to refuse the entry of foreign troops into the territory of the Federation.

20. To authorise the formation of ports and harbors.

ART. 14. The constitution shall fix the other general, special and economical attributes of the congress of the Federation, the mode of exercising them, as well as the prerogatives of this body and its members.

### *Executive Power.*

ART. 15. The supreme executive power will be confided to such individual, or individuals as the constitution may designate, who must be residents and native born citizens of some one of the states or territories of the Federation.

ART. 16. The attributes of the executive power, in addition to others which may be fixed by the constitution, shall be the following:

1. To carry into execution the laws intended to consolidate the integrity of the Federation, and to sustain its exterior independence, and its internal union and liberty.

2. To appoint and to remove at pleasure the Secretaries of State, &c.

3. To watch over the collection and to decree the distribution of the general contributions, according to existing laws.

4. To appoint the officers of the general treasury according to the constitution and existing laws.

5. To declare war, having first obtained a decree sanctioning the same from the general congress if in session, and if that be not the case, according to the mode pointed out in the constitution.

6. To dispose of the permanent army and navy and of the active militia for the external defence, and the internal security of the Federation.

7. To dispose of the local militia for the same objects, even though it should be necessary to employ the same beyond the limits of its respective states, after previously obtaining the consent of the general congress, which shall designate the force necessary.

8. To appoint the officers of the army, of the active and the armed militia with reference to existing laws and ordinances, and the dispositions of the constitution.

9. To grant discharges and licenses, and to regulate the pay of the military officers mentioned in the preceding articles in conformity to law.

10. To appoint the diplomatic agents and consuls, with the approbation of the senate, and until that body shall have been organised, with the approbation of the actual congress.

11. To direct diplomatic negotiations, make treaties of peace, friendship, alliance, federation, truce, armed neutrality, commerce and others; but in order to grant or refuse the ratification of any such treaty, it must obtain the previous approbation of the general congress.

12. To watch over the prompt and complete administration of justice by the general tribunals, and that their sentences be executed according to law.

13. To cause to be published, circulated and observed, the laws and the general constitution; possessing the right of opposing once the passage of a law, provided it be done within ten days, and to suspend its execution until the resolves of congress be known.

14. To issue decrees and orders for the better carrying into effect the constitution and the general laws.

15. To suspend from their employments for the space of three months or less, and to deprive of a portion of their salaries not to exceed one half, for the same period of time, all the officers of the Federation, infringing such orders or decrees, and in cases where it shall be deemed necessary, have them tried, in which event all the proceedings must be transferred to the competent tribunal.

ART. 17. All the decrees and orders of the supreme executive power ought to be signed by the secretary of that department to which they belong, and without this formality they are not to be obeyed.

### *Judicial Power.*

ART. 18. Every person inhabiting the territory of the Federation, has the right to require the prompt, complete, and impartial administration of justice; and with this object the Federation confides the administration of justice to a supreme court of justice, and to such tribunals as may be established in the separate states, reserving to itself the right to determine in the constitution the powers of the supreme court.

ART. 19. No person can be judged in the states and territories of the Union, except by laws in force, and by tribunals established prior to the act for which he is tried. Consequently all judgments by special commissions and all retroactive laws are forever prohibited.

### *Individual Government of the States.*

ART. 20. The government of each state shall be divided as to the exercise of its powers into a legislative, executive and judicial department; and two or more of these powers can never be entrusted to the same person or corporation, nor can the legislative power be confided to a single individual.

ART. 21. The legislative power of each state shall be entrusted to a

congress composed of such a number of individuals as may be determined by the constitution of each particular state, elected by the people, and removable at such time and in such manner as they may determine.

*Executive Power.*

ART. 22. The exercise of the executive power of each state shall only be exercised for a determinate period to be fixed by the respective constitutions of each state.

*Judicial Power.*

ART. 23. The judicial power of each state shall be exercised by such tribunals as may be established by its constitution.

*General Provisions.*

ART. 24. The constitutions of the different states cannot be in opposition to the act, nor to the provisions of the general constitution, and on this account they cannot be sanctioned until the publication of the latter.

ART. 25. Nevertheless the legislature of the different states may provisionally organise an internal government, and in the mean time they must see that the laws actually in force be observed.

ART. 26. The criminal of one state shall not receive asylum in another; but on the contrary must be immediately delivered over to the authorities requiring his delivery.

ART. 27. No state shall impose, without the consent of the general congress, any tonnage duty, nor maintain troops or vessels of war in time of peace.

ART. 28. No state shall, without the consent of the general congress, impose any tax or duty upon importations and exportations, during the period that this subject is not properly regulated by law.

ART. 29. No state shall enter into any transactions or contracts with another state, nor with any foreign power, nor engage in war, except in the event of actual invasion, or of such imminent danger that it does not admit of delay.

ART. 30. It is the duty of the nation to protect by wise and just laws the rights of man and of the citizens.

ART. 31. Every inhabitant of the Union has the liberty of writing, printing, and publishing his political ideas, without any necessity for previous license, revision or approbation, under the restrictions and responsibilities imposed by law.

ART. 32. The congress of each state must transmit annually to the general congress of the Union a circumstantial and correct account of the receipts and expenses of all the treasuries, which may exist in their respective districts, with an account of the causes of both, and of the different branches of industry, agriculture, commerce, and manufactures, indicating their progress, or decline together with the causes to which it can be attributed; the new modes of industry, which may be introduced and the means of fostering them; also their respective population.

ART. 33. All the debts, contracted before the adoption of this act,

shall be acknowledged by the Federation; reserving to the general congress the right of establishing the rules, which must govern its liquidation and classification.

ART. 34. The general constitution and this act guarantee to the states of the Union the form of government adopted by this law, and each state assumes likewise the obligation of sustaining the Federal Union at every sacrifice.

ART. 35. This act can only be changed within the time and in the manner expressed in the general constitution.

ART. 36. The execution of this act is confided to the executive power, which is strictly responsible to carry the same into effect, and from the time of its publication it shall be observed in every respect.

Mexico the 31st of January, 1824.

Here follow the signatures of the deputies.

In consequence we command that all tribunals, justices, chiefs, and other authorities, civil, military, and ecclesiastical, of whatever class or dignity, observe, and cause to be observed, accomplish and execute the present decree in all its parts, and cause it to be understood, that it may be carried into effect, and see that it be printed, published, and circulated.

Given in Mexico the 31st of January, 1824.

José Mariano Michilena, President; Miguel Domingo, Vincente Guerrero.

To the minister of foreign and internal affairs.

By order of their highness this is made known to you that you may understand it, and see that it be executed.

God and Liberty, Mexico, the 31st of January, 1824.

JUAN GUZMAN.

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THE FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES, SANCTIONED BY THE GENERAL CONSTITUENT CONGRESS ON THE 4TH OF OCTOBER, 1824.

*The General Constituent Congress to the Inhabitants of the Federation.*

MEXICANS:—The General Constituent Congress in putting into your hands the most arduous work which you could have entrusted to its care, the fundamental Code, which fixes the fate of the nation, and serves as an indestructible basis of the great edifice of your society, has thought it their duty to address you, in order to explain briefly the objects they had in view from the first moments of their union; the labors it has undertaken, and what it expects from your docility and submission when you begin to enjoy the gifts consequent on the federal system decreed and sanctioned by the majority of your deputies.

Congress will not employ itself in describing the series of events which have occurred in a revolution, which has lasted fourteen years, nor the great sacrifices which became necessary before the nation were able to secure the inestimable blessing of national independence. This is a task which the history of the present times will one day accomplish. At

present it is only necessary to remark, that the constant assaults of patriotism having broken the chain which united us to Spain, there could remain no other centre of union, no other connecting link between the different provinces of this great nation, but the leader who had induced all the towns to pronounce their independence. An impartial world will judge of the events which induced him to place himself at the head of a second revolution, and of his tragical end; but the fact is certain, that the State was dissolved by the fall of this unfortunate man, and that nothing could restrain the revolution of the provinces; none possessed superiority over the other; and the ship of state would have been wrecked by the pitiless storm, if the wisdom and prudence, with which the people hastened to convoke the former Congress, had not given the nation a new existence. Congress could not fail to attend to the wishes of a nation which had just given so striking a proof of its intelligence, and the deputies could not vote against the wishes of their constituents. Never have the legislators of any nation had a clearer manifestation of public opinion to direct their deliberations, and never will the representatives of any people find themselves in a more favorable situation of knowing the desires of those from whom they received their mandate; and your deputies will retire to the bosom of their families, with the pleasing satisfaction of having labored in the spirit, and agreeably to the necessities of their constituents.

To create a firm and free government, without its being dangerous to the people; to place the Mexican nation in the rank which it ought to hold among civilised nations, and enable it to exercise the influence to which it is entitled by its situation, its population, and its wealth; to make all equal before the law; to create peace without disorder; peace without oppression; justice without rigor; clemency without weakness; to mark the limits of the supreme authorities of the nation; to combine them in such a manner that their union shall always be productive of good, and render evil impossible; to regulate the march of the legislature, sheltering it at the same time from precipitation and error; to arm the executive power with sufficient power and dignity to make it respected in the interior, and deserving every consideration from foreigners; to secure to the judiciary such an independence, that it will never create fears in the breast of the innocent, and still less afford the hope of impunity to the guilty; all this is in effect difficult, and here you perceive, Mexicans, the sublime objects to which your General Congress has aspired in the Constitution, which it presents to you. It has, however, not the presumption to think, that it has completely satisfied all your expectations; but it flatters itself, that you will view with indulgence the numerous errors which the weakness of its abilities may have stamped upon it, in consideration of the zeal of the virtuous, of wise patriots engaged in framing it, in the very short space of eleven months allowed them.

Your representatives, in meeting in the hall of their sessions, take with them the wishes of the people, expressed with unanimity and energy. The voice of the Federal Republic has made itself heard from every corner of the republic; and the public desire for this form of government has explained itself so generally, and with as much force as it explained itself in favor of independence. Your deputies therefore entertained no doubt on this subject, as to the desires of the nation. Nevertheless circumstances, which ought to guide all legislators, required that they

should enter upon the examination, not only of the form of government; but likewise of the general existence of a desire to create one. You know, Mexicans, the discussions which have taken place on this subject, as well as their results. Your representatives cannot accuse themselves of having hurried on the march of events, nor of having given an impulse to the revolution. On the contrary, the nation being dissolved and disorganised, as well as exposed to be the sport of passions and parties, the General Congress, smoothing the difficulties, and sacrificing even their own reputation, lends its aid to arrest the genius of discord and disorder, restores peace and tranquillity, and pursues calmly its deliberations.

The division of the States, the installation of its respective legislatures, and the construction of a multitude of establishments, which have arisen in the short period of eleven months, furnish evidence that Congress has fulfilled in a great degree the hopes of the people, without pretending on this account to attribute to itself all the glory of such prosperous principles, and still less the original invention of the institutions which it has dictated. It had, fortunately, to do with a people obedient to the voice of duty, and a model to imitate in the flourishing republic of our neighbors to the North. It knew, fortunately, that the Mexican nation only intended to shake off passive obedience, and to enter on the discussion of their duties, interests, and obligations. It was fortunately penetrated with the desires and necessities of its constituents, and endeavored to fix their destinies, by giving to the public spirit a direction, conformable to an opinion formed by circumstances truly extraordinary, which had involved in a most disastrous revolution another people beyond the limits of Mexico.

The Federal Republic has been, and was the necessary fruit of these discussions. The systematic tyranny of the Spanish mandarins could alone induce them to govern so immense a territory by the same laws, considering the enormous differences of its climates, dispositions of its inhabitants, and their consequent influence. What relations of convenience or uniformity could possibly exist between the burning soil of Vera Cruz and the frozen mountains of New Mexico? How could the same institutions govern the inhabitants of California and Sonora and those of Yucatan and Tamaulipas? The innocence and candor of the interior populations, have no occasion for laws relative to crimes and intrigues which are entirely unknown to them. The inhabitants of Tamaulipas and Coahuilas will reduce their code to a hundred articles, while the inhabitants of Mexico and Jalisco will be on a level with the great nations which have advanced in the career of social order. These are the advantages of the federal system: It gives each people the right of selecting for itself laws, analogous to its customs, locality, and other circumstances; to dedicate itself without impediment to the creation and improvement of those branches of industry which it may deem best calculated to promote its prosperity; to give to its labors all the impulse of which they are susceptible, without the difficulties created by the colonial system, or any other which, being at enormous distances, would lose sight of the interests of those it governed; to provide for its necessities in proportion to its progress; to place at the head of its administration, individuals attached to the country, and possessing at the same time sufficient knowledge to discharge their duties efficiently; to

create the tribunals necessary for the prompt punishment of offences, the protection of property, and the security of its inhabitants; to terminate its domestic affairs without going beyond the limits of the state; in one word, to enjoy the rights of freemen.

The general congress was penetrated with the difficulties which the nation must conquer, in order to plant a system which, to say the truth, is complicated. It knows that it is an arduous undertaking, to obtain from intelligence and patriotism that, which can only be the effect of time and experience. But besides the consideration, that the soil of America is not contaminated with the vices of old Europe, we have before us the examples of modern nations, which have formed themselves, and enriched us with their knowledge. We have profited by the lessons which the world has received, since the happy invention of social science has loosened the cements of tyranny; and we ourselves have passed over, in the space of fourteen years the long period of three centuries. With such joyful presages, what ought not the Mexican nation to expect from its general congress?

Ancient legislators, in promulgating their laws, accompanied them with august preparations and ceremonies, calculated to produce that respect and veneration, which ought always to be their safeguard. An age of light and philosophy has dispersed these auxiliary prestiges of truth and justice; and these laws are now presented to the people, in order to undergo examination and discussion. Your representatives, employing this plain and natural language, place this day in your hands the code of your fundamental laws, the result of their deliberations, cemented in the soundest principles which hitherto have been acknowledged as the basis of social happiness in civilised countries. It was, fortunately, not required to compromise with those colosses, who in their fall disfigured the revolutions of other countries. If in our annals, we meet with an ambitious son of the country, his history will teach, by its example to our descendants, the danger which attends the attempt of appropriating exclusively to yourself advantages reserved to the entire body of society.

Your representatives therefore hope, from the heroic patriotism and pure virtues of the Mexicans, that, next to their national independence, they will sustain, at every sacrifice, the republican government to the exclusion of royalty in every shape. An implied and eternally obligatory contract unites all the nations of independent America, not to admit into its bosom any other form of government, the tendency of which to propagate itself is irresistible and dangerous. The institutions of the new world present a new and unknown order; like itself in the history of the great events which change the ordinary march of things; and as the fall of the Caesars confirmed in Europe the monarchical government, after the bloody and dangerous political revolutions which had preceded it, so, on the continent of Columbus, the democratical must necessarily finally prevail, after being revived with improvements on the ancient republics, owing to the vivifying inspirations of modern genius.

The time elapsed since the beginning of our revolution, has been usefully employed in collecting suitable arms, to drive back to the shades, whence they proceeded, all gothic governments, and to look for the constitutive bases of human associations in the immortal works of those sublime genii, who knew how to discover the lost rights of mankind.

The moment has arrived to apply these principles, and to open the eyes of the Mexicans to the torrent of light which they send forth. They have declared, that neither force, prejudices, nor superstition shall be the regulators of their government. They have declared, with a philosophical writer, that, after having verified with Newton the secrets of nature, defined with Rousseau and Montesquieu the principles of society, and fixed their basis, extended with Columbus the superficies of the known globe, arrested with Franklin the lightning of the clouds, and given it direction, and given, with other creating geniuses, an indestructible life and unlimited extension to the productions of man. Finally, that after having united by a thousand ties, of commerce and social relations, they can no longer tolerate any other government than that which is analogous to such an order, created by so great and so precious acquisitions. The elevation of character which the American people has acquired, does not permit them again to bend their knees before despotism and prejudice, always fatal to the welfare of nations.

But in the midst of this progress of civilisation, our country requires of us great sacrifices and a religious respect for morality. Your representatives inform you, that if you wish to place yourself on a level with the happy republic of our neighbors to the North, it is necessary, that you should elevate yourself to the lofty height of civic and moral virtues, which characterise that singular people. This is the sole basis of true liberty, and the best guarantee of your rights, and the permanency of your Constitution. The faithful observance of promises, the love of labor, the education of youth, respect for your fellow men, these, Mexicans, are the sources whence your own happiness and that of your descendants must emanate. Without these virtues, without due obedience to law and authority, without a profound respect for our admirable religion, we will in vain possess a code of liberal maxims; in vain boast of good laws, and in vain proclaim a sacred liberty.

The General Congress also expects from the patriotism and activity of the authorities and corporations of the Federation, as well as from the individuals of the States, that they will use their best endeavors to establish and to consolidate our new-born institutions. But if instead of confining themselves to the sphere of their attributes, they endeavour to go beyond it; if instead of setting an example, by a just observance of the constitution and general laws, they endeavor to elude their accomplishment by interpretations and subterfuges, the offspring of our scholastic education; in such an event we already renounce the right of being free, and succumb easily to the caprice of a tyrant national or foreign, who will introduce among us the peace of the sepulchre and the calm of a prison.

To you, therefore, legislators of the states, it belongs to develop the system of our fundamental law, the corner stone of which is the exercise of public and private virtue. The wisdom of your laws will shine forth in their justice and utility; and their accomplishment will be the result of a severe vigilance on the manners. Inculcate, therefore, on your constituents the eternal rules of morality and public order; teach them religion without fanaticism, the love of liberty without exaltation; the most inviolable respect for the rights of others, which is the foundation of human associations. Marats and Robespierres have elevated themselves among their fellow citizens by proclaiming these prin-

ciples, and these monsters have stained with tears and blood, the most illustrious nation on the earth, while they, imbued with crimes, rose by degrees to dignities whence they insulted the credulity of their fellow citizens. Washington proclaimed the same maxims, and this immortal man made the happiness of the States of the North. How are we to distinguish the first from the second; but by examining their manners, observing their progress, and remembering that without justice there can be no liberty, and that the bases of justice are founded on a just equilibrium between the rights of others and our own. This is the result of the problem of moral science.

Sheltered by this aegis, Mexicans, you have nothing to fear from your enemies. It is of no importance that our obstinate oppressors, dare even yet in speaking of us to employ the degrading word of colonists, while the Mexican name is already inscribed among cultivated nations, among those of other sovereign powers. It is of no importance that proud Spain, at present impotent, and an object of compassion to the rest of Europe, makes her feeble voice heard in the cabinets of foreign monarchs; all her pretensions will vanish before the consolidation of our institutions, and the strength the of arms of the sons of the country consecrated to the defence of their native land.

Let us, therefore, show the world, that only tyranny and the influence of despotic governments could retain us in the sad degradation in which we were confined for so many years, and that at the moment of shaking off this dominion, nothing can prevent us from returning to the great family of mankind, from which we appeared to be severed. Europe and the rest of America have their eyes fixed upon us, and our national honor is strongly engaged in our future conduct.

If we deviate from the path of the Constitution, if we do not regard it as one of our most sacred duties, to maintain order, and scrupulously to observe the laws contained in our new code; if we do not unite to save this deposit, and to shelter ourselves from the attacks of the malevolent; Mexicans, we will be disgraced for the future, without having been formerly happy, and we shall bequeath to our children, misery, war and slavery, while to ourselves there will remain no other resource than to choose between the sword of Cato, and the unfortunate fates of a Hidalgo, a Mina or a Morelos.

Mexico, the 4th of October, 1824.

Lorenzo de Zavala, President; Manuel de Viza y Cosío Deputy Secretary; Epigmenio de la Piedra, Deputy Secretary.

*Department of the first Secretary of State.*—Section of the Government—The Supreme Executive Power has thought proper to direct to me the following decree:

The supreme executive power, appointed provisionally by the sovereign, general and constitutive congress of the United Mexican States, to all to whom these presents may come, greeting; be it known, that the same sovereign congress has been pleased to decree as follows:

The sovereign, general and constitutive congress of the United Mexican States has thought proper to decree:

That the government shall proceed solemnly to publish without loss of time, the constitution in this capital, and shall immediately communicate the same to the governors of the states and political authori-

ties in order to enable them to do the same in all the towns within their limits.

The supreme executive power shall regard it as understood, and take the necessary measures to carry it into effect, causing it to be printed published and circulated.

Lorenza de Zavala, President; Manuel de Viya y Cosio, Deputy Secretary; Epigmenio de la Piedra, Deputy Secretary.

In consequence we enjoin on all tribunals, justices, commanders, governors and other authorities as well civil as military and ecclesiastical, of whatever class and dignity, that they observe and cause to be observed, accomplished and executed the present decree in all its parts. You will therefore hold it understood for its execution and take suitable dispositions to have it printed, published and circulated.

In the National Palace of Mexico, 4th October, 1824.

Guadalupe Victoria, President; Nicholas Bravo Miguel Dominguez, A. D. Juan Guzman.

Which is made known to you for your information and its accomplishment.—May God preserve you many years.

Mexico, 4th October, 1824.

JUAN GUZMAN.

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*The Supreme Executive Power* appointed provisionally by the sovereign congress of the nation, to all to whom these presents shall come, greeting; Know ye that the said sovereign congress has decreed and sanctioned the following

## FEDERAL CONSTITUTION OF THE UNITED MEXICAN STATES.

In the name of Almighty God, supreme author and legislator of society. The general constituent congress of the Mexican nation in discharge of the duties imposed upon it by its constituents in order to fix their political independence, to establish and consolidate their liberty and to promote their prosperity and glory decree as follows:

### CONSTITUTION OF THE UNITED MEXICAN STATES.

#### TITLE I.

##### *Only Section.*

##### *Of the Mexican Nation, its Territory and Religion.*

ART. 1. The Mexican nation is for ever free and independent of the Spanish government and of every other power.

ART. 2. Its territory comprehends the former vice-royalty of New Spain, the captain-generalship of Yucatan, the former commandancies of the internal provinces of the east and west and Upper and Lower

California with the lands annexed and the adjacent islands in both oceans. A constitutional law will be made for designating the boundaries of the Federation as soon as circumstances will permit.

ART. 3. The religion of the Mexican nation shall perpetually remain the Roman Catholic and Apostolic. The nation protects it by wise and just laws and prohibits the exercise of every other.

## TITLE II.

### *Only Section.*

*Of the form of Government of the Nation, of its integral parts, and of the division of the Supreme Power.*

ART. 4. The Mexican nation adopts for the form of its government a popular representative and federal republic.

ART. 5. The constituent parts of the Federation are the following States and Territories, viz: the States of Chiapas, Chihuahua, Coahuila and Texas, Durango, Guanajuato, Mexico, Michoacan, Nuevo Leon, Oajaca, Pueblo de los Angeles, Queretaro, San Luis Potosi, Sonora and Sinaloa, Tabasco, Tamaulipas, Vera Cruz, Jalisco, Yucatan, and Zacatecas; the Territories of Upper California, Lower California, Colima, and Santa Fe de Nuevo Mexico. A constitutional law will fix the character of Tlascala.

ART. 6. The Supreme power of the Federation as to its exercise, is divided into the legislative, executive and judicial powers.

## TITLE III.

### OF THE LEGISLATIVE POWER.

#### *Section First.*

*Of its Nature, the Mode of exercising it.*

ART. 7. The legislative power of the nation is confided to a General Congress, which is divided into two chambers, one for the Deputies, and the other for the Senators.

#### *Section Second.*

*Of the Chamber of Deputies.*

ART. 8. The Chamber of Deputies shall be composed of representatives, the whole of which shall be elected every two years by the citizens of the States.

ART. 9. The qualifications of the electors shall be constitutionally prescribed by the legislatures of the states, to which it also belongs to regulate the elections conformably to the principles established by this constitution.

ART. 10. The general basis for the appointment of deputies shall be the population.

ART. 11. A deputy shall be elected for every eighty-thousand inhabitants and for every fraction exceeding forty thousand. Any state, which may not have so large a population is nevertheless entitled to one deputy.

ART. 12. A census of the whole confederation shall be taken within five years, and shall be renewed afterwards every ten years, which shall serve to designate the number of deputies to which each state is entitled. In the meantime the elections are to be regulated on the basis established in the preceding article, and the census which served to regulate the election of deputies in the congress now in session.

ART. 13. There shall also be elected in every state deputies substitutes in proportion of one for every three deputies or one for every fraction of two. States having less than three deputies will elect one substitute.

ART. 14. Every territory containing more than fifty thousand inhabitants, shall name one deputy and one substitute, who shall have voice and vote in the formation of all laws and decrees.

ART. 15. A territory not possessing the aforesaid population, shall name a deputy and a substitute, who shall have the right to speak on all subjects. The elections of the deputies from the different territories shall be regulated by a special law.

ART. 16. In all the states and territories of the Federation, the appointment of the deputies shall take place the first Sunday in the month of October next preceding the renovation, which is an indirect election.

ART. 17. As soon as the election of deputies is concluded, the electoral boards shall, through their president, forward to the council of the government evidence, in due form, of the act of election, and duly certified, and they shall notify to the persons appointed their election, which shall serve as their credentials.

ART. 18. The president of the council of the government shall give to this evidence, spoken of in the preceding article, that direction which is prescribed by the regulations of said council.

ART. 19. In order to be appointed deputy it is necessary:

1st. To have, at the time of election, full twenty-five years.

2d. To have resided in the state from which elected full two years, or to be born in it, though residing in a different state.

ART. 20. Those not born in the territory of the Mexican nation, must, in order to be elected deputies, have resided at least eight years within the same, and possess real estate in some part of the republic worth eight thousand dollars, or some species of industry making them an income of one thousand dollars annually.

ART. 21. Are excepted from the operation of the preceding article:

1st. All those born in any part of America, which, in 1810, depended on Spain, and which has not united with any other nation, and which no longer remains dependent on Spain, for whom three years residence will suffice, provided they have the other requisites prescribed by the 19th article.

2d. All military men not born in the territory of the Republic, but who have supported with arms the independence of the country, for

whom it shall be sufficient to have resided eight years in the country, and to possess the qualifications required by article 19.

ART. 22. The election of deputies on account of residence shall be preferred to that made on account of birth.

ART. 23. The following cannot be deputies, viz:

1st. Those deprived of, or suspended from, the rights of citizens.

2d. The president and vice president of the Union.

3d. The members of the supreme court of justice.

4th. The secretaries of the different departments, their officers and secretaries.

5th. The officers of the treasury, whose employments extend throughout the Union.

6th. The governors of the states and territories, the commandant generals, the right reverend archbishops and bishops, the governors of the archbishops and bishops, the provisor and vicar generals, the circuit judges, and the commissary generals of war and finance for the states and territories in which they exercise their functions.

ART. 24. In order that the persons comprehended in the preceding article may be elected deputies, it is necessary that their functions should have entirely ceased six months previous to the elections.

### *Section Third.*

#### *Of the Chamber of the Senators.*

ART. 25. The senate shall be composed of two senators from each state, elected by an absolute majority of the legislature of each state, one half of their number to be renewed every two years.

ART. 26. The senators elected in the second place shall cease to hold their places at the end of the two first years, and afterwards the most ancient.

ART. 27. When there occurs a vacancy in the senate on account of death, resignation, or other cause, such vacancy shall be filled by the legislature of the respective state, if such legislature be in session, and if not, as soon as it may be in session.

ART. 28. In order to be senator the same qualities are required, which are prescribed in the preceding section for deputy, and moreover to be thirty years at the time of the election.

ART. 29. Those who cannot be deputies cannot be senators.

ART. 30. Article 22 shall likewise govern the election of senators.

ART. 31. When the same individual is elected senator and deputy, he shall prefer the election prior in point of time.

ART. 32. The periodical election of senators shall take place in all the states on the same day, which shall be the 1st of September next, to the renewal of one-half of the senate.

ART. 33. When the election of the senators, the different legislatures shall forward a certificate of the same, through their presidents to the council of the government, in the usual form of acts of election, and make known to the persons elected their appointment by another instrument which shall serve as a credential of their election. The president of the council of the government shall dispose of these certificates of election in the manner prescribed in the 18th article.

*Section Fourth.**Of the Economical Functions of the two Chambers and of the Privileges of their Members.*

ART. 34. Each chamber in its preparatory boards, and in all which has reference to its interior government, will observe the regulations which shall be formed by the present congress, without prejudice to such reforms, which may in future be introduced, if both chambers shall deem it proper.

ART. 35. Each chamber is judge of the elections of its respective members, and shall resolve all doubts which may arise relative to the same.

ART. 36. The chambers cannot open their sessions without the concurrence of more than the half of all the members elected; but the members present of both chambers ought to unite on the day indicated by the regulation for the interior government of both, and compel respectively their absent members to attend under the penalties prescribed by law.

ART. 37. The chambers shall communicate with each other and with the executive power by means of their secretaries, or by means of deputations.

ART. 38. Each of the chambers in their capacity of grand jurors can take cognisance of the following offences, viz:

1. Of the President of the Union, for the crimes of treason against the national independence, or the established form of government, and for bribery and corruption committed during the period of his employment.

2. Of the same president; for acts manifestly intended to hinder the elections of presidents, senators and deputies, or to prevent them from serving in their respective employments during the periods pointed out by the constitution, or for preventing the chambers from exercising any of the powers conferred on them by the constitution.

3. Of the members of the supreme court of justice, and the secretaries of the departments; for any offences committed during the time of their holding their employments.

4. Of the governors of the states; for infractions of the constitution, the laws of the Union, or the orders of the President of the Federation, which are not obviously contrary to the constitution and the general laws of the Union, and also for the publication of the laws or decrees of the legislatures of their respective states contrary to the same constitution and laws.

ART. 39. The Chamber of Representatives shall be exclusive grand jurors, when the President and his ministers shall be accused of acts in which the senate and the council of the government have intervened by virtue of their attributes. The same chamber shall also serve as grand jurors in all cases where the vice president shall be accused of any offence committed during the time of holding his office.

ART. 40. The Chamber before which may have been made the accusations spoken of in the preceding articles, shall form itself into a grand jury, and shall declare by the vote of two-thirds of its members present, if there be sufficient cause for having the accused tried, in which event

he shall be suspended from office, and the cause sent to the competent tribunal.

ART. 41. Every deputy and senator has the right of presenting in writing propositions and projects of laws or decrees in his respective Chamber.

ART. 42. The deputies and senators are not responsible for any opinions which they may express in the discharge of their employments, and they can never be called to account for the same.

ART. 43. In criminal prosecutions brought against the senators or deputies from the day of their election, until two months after they shall have discharged their functions, the former cannot be accused except before the Chamber of Deputies, and the latter, except before the Senate, and in the event of similar accusations the Chamber shall form itself into a grand jury, for the purpose of determining if there be any foundation for such accusation.

ART. 44. If the Chamber, constituting the grand jury in the cases mentioned in the preceding article, should declare by the vote of two-thirds of the members present, that the accusation is well founded; the accused remains suspended from his employment, and placed at the disposal of the competent tribunal.

ART. 45. The compensation of the deputies and senators shall be determined by law, and be paid by the General Treasury of the Confederation.

ART. 46. Each Chamber as well as the boards spoken of in the 36 art., may issue such orders as it deems convenient, in order to carry into effect any resolutions adopted by virtue of the function, delegated to each by virtue of the 35, 36, 39, 40, 44 and 45th art., of the Constitution, and the President of the United States ought to cause them to be executed, without possessing the right of making any observations on their tenor.

### *Section Fifth.*

#### *Powers of the General Congress.*

ART. 47. No resolution of the General Congress shall assume any other form than that of a law or a decree.

ART. 48. The resolutions of the General Congress, in order to have the force of a law or decree ought to be signed by the President, except in those cases excepted by the Constitution.

ART. 49. The laws or decrees, which emanate from the General Congress, shall have for their object:

1. To sustain the national independence, and to provide for the preservation and security of the nation in its exterior relations.

2. To preserve the Federal Union of the States, and peace and public order in the interior of the Confederation.

3. To maintain the independence of the States among themselves, so far as respects their government according to the Constitutive act and this Constitution.

4. To sustain the proportional equality of obligations and rights which the states possess in point of law.

ART. 50. The exclusive powers possessed by the General Congress are the following, viz:

1. To promote instruction by securing for a limited time to authors the exclusive privilege to their works; by establishing colleges for the Marine, Artillery and Engineer Departments; by erecting one or more establishments, for the teaching of the natural and exact sciences, the political and moral sciences, the useful arts and languages; without prejudice to the rights which the states possess, to regulate the public education in their respective states.

2. To promote the general prosperity, by decreeing the opening of roads, canals, and their improvement without hindering the states from opening and improving their own; establishing post offices and post roads, and securing for a limited time to inventors, or those who have perfected, or introduced any new invention, the exclusive privilege for their respective invention, improvements or new introductions.

3. To protect and regulate the political liberty of the press in such a manner that its exercise can never be suspended, and much less be abolished in any of the states or territories of the confederation.

4. To admit new states and territories into the federal union, and to incorporate the same with the nation.

5. To regulate definitively the boundaries of the states, and terminate the differences, when they cannot agree among themselves about the lines of demarcation of their respective districts.

6. To erect territories into states and regulate them in conformity with those already existing.

7. To unite two or more states, upon their petition to that effect, into one, or to erect new states within the limits of those already in existence, with the approbation of three fourths of the members present in both chambers, and the ratification of an equal number of the legislatures of the other states of the Union.

8. To fix the general expenses, establish the contributions necessary in order to defray them, to regulate their collection, determine their expenditure, and to require annually account of the same from the government.

9. To contract debts on the credit of the confederation, and to fix the guarantees of their repayment.

10. To acknowledge the national debt, and indicate the means to consolidate and extinguish the same.

11. To regulate the commerce with foreign nations, between the different states of the Union and with the Indian tribes.

12. To give instructions for the forming of Concordates with the Holy See, to approve and ratify the same, and to regulate the right of patronage (*patronato*) in the whole Union.

13. To approve treaties of peace, alliance, friendship, confederation, armed neutrality, and all others which the President of the United States may enter into with foreign powers.

14. To establish ports of all kinds, erect custom-houses, and designate their location.

15. To determine and render uniform the weight, fineness, value, stamp and denomination of the coins throughout the Union, and to adopt a general system of weights and measures.

16. To declare war, upon examining the facts presented to its consideration by the President of the United States.

17. To establish rules for the granting of letters of marque, and for declaring valid or invalid prizes on land and water.

18. To designate the force of the army and navy, to fix the contingent of men to be furnished by each state, to establish ordinances and rules for their organisation and service.

19. To form regulations for the organisation, arming and disciplining of the local militia of the states; reserving to each state the appointment of its own officers and the faculty of instructing them according to the discipline laid down in the aforesaid regulations.

20. To grant or to refuse the entrance of foreign troops into the territory of the confederation.

21. To permit or to refuse squadrons belonging to foreign powers to remain for more than one month in Mexican harbors.

22. To permit the departure of the national troops beyond the limits of the republic.

23. To create or suppress all public employments of the Federation, to fix, increase or diminish the appointed salaries, rewards, in case of retirement, and pensions of the same.

24. To grant rewards and compensations to persons who have rendered great services to the republic, and to decree public honors in memory of great men.

25. To grant amnesties and indulgences for offenses the cognisance of which appertains to the tribunals of the confederation, in such cases, and upon observing the prerequisites prescribed by law.

26. To establish a uniform rule of naturalisation.

27. To establish general rules as to bankruptcy throughout the Union.

28. To select a place of residence for the supreme powers of the Federation and to exercise in its district the attributes of the legislative power of a state.

29. To change such residence whenever it may deem it necessary.

30. To grant laws and decrees for the interior administration of the Territories.

31. To dictate all laws and decrees, which may conduce to accomplish the objects spoken of in the forty-ninth article without intermeddling with the interior administration of the states.

### *Section Sixth.*

#### *Of the Formation of the Laws.*

ART. 51. The formation of all laws and decrees may begin indistinctly in either of the chambers, except those having for their object the levying of contributions or of raising taxes, which must originate in the Chamber of Deputies.

Art. 52. The following shall be considered as initiatives of laws;

1. Propositions which the President of the United Mexican States shall deem advantageous to the Union and which as such he shall specially recommend to the Chamber of Deputies.

2. Propositions, projects of laws or decrees, which the legislatures of the states may address to either chamber.

ART. 53. All projects of laws or decrees without any exception whatever shall be successively discussed in the two chambers, observing in both with exactness what it prescribed in the regulations as to the form of debate, as well as to the delays and modes of proceeding in voting.

ART. 54. Propositions of laws or decrees, which have been rejected in the chamber, where they originated, before the final reading cannot again be proposed by any member during the sessions of that year; nor until the ordinary sessions of the year following.

ART. 55. If the propositions of laws or decrees after having been discussed be approved by an absolute majority of the members present in both chambers, they shall be sent to the president, who if he also approves shall sign and publish the same; and if not, shall return them with his observations within ten working days to the chamber whence they originated.

ART. 56. The propositions of laws or decrees returned by the president, according to the preceding article, shall be a second time discussed in the two chambers. If in each of them, they be approved by two-thirds of the members present, they shall again be sent to the president, who without further excuse must sign and publish them; but if not approved by the votes of two-thirds of the members, they cannot again be proposed until the year following.

ART. 57. If the president should not return a proposed law or decree within the period prescribed in the 55th art. it shall be considered as approved by that very fact, and be promulgated as law; unless while the delay is not yet expired, congress should have closed or suspended its sessions, in which event the return must be made on the first day thereafter when congress shall again unite.

ART. 58. The projects of laws or decrees once wholly rejected by the chamber of revision, shall be returned by said chamber to that in which it originated. If upon re-examination in the latter, it be approved by two-thirds of the members present, it shall be sent back again to the chamber by which it was rejected, who shall not again reject it, unless by the vote of two-thirds of the members present.

ART. 59. All proposed laws or decrees, which, on a second examination, have been approved by two-thirds of the members of the chamber where they originated, and not disapproved by two-thirds of the chamber of revision, shall be sent to the president who must sign and circulate them, or send them back within ten working days to the chamber where they originated.

ART. 60. All propositions of laws or decrees which, according to the preceding article, the president may send back to the chamber where they originated, shall be again considered, and if they are approved by two-thirds of the members present, and the chamber of revision be not equally divided, they shall be returned to the president, who shall cause them to be published. But if in their origin they were approved by two-thirds of the chamber, or disapproved by an equal number of the chamber of revision, they cannot again be taken up except at a subsequent regular session.

ART. 61. In case they should be reproved a second time by the chamber of revision, according to article 58, the proposition shall be considered as thrown out, and it cannot again be taken up until the following year.

ART. 62. In the amendments, which the chamber of revision may make to proposed laws or decrees, the same formalities must be observed as on other subjects requiring the approbation of the president.

ART. 63. The portions of a proposed law or decree, which may be once disapproved by the chamber of revision, are subject to the same formalities as those propositions which have been wholly disapproved.

ART. 64. In the interpretation, modification, and repeal of laws and decrees the same formalities must be observed which are required for their formation.

ART. 65. Whenever any resolution of the general congress is communicated to the President of the Republic, it must be signed by the presidents of both chambers, and by a secretary belonging to each.

ART. 66. No law or decree can be formed in either chamber without the presence of an absolute majority of the members composing it.

*Section Seventh.*

*Of the Time, Duration and Place of holding the General Congress.*

ART. 67. The general congress shall meet every year on the 1st of January, in the place designated by law. The regulations for the interior government of the same, shall prescribe the formalities previous to the opening of the same, as well as those to be observed at its installation.

ART. 68. The President of the Confederation shall assist at this opening, and shall pronounce a discourse suitable to this important act; to which, the presiding officer of congress shall reply in general terms.

ART. 69. The ordinary sessions of congress shall be held daily, without any other interruption than solemn days of festivals; and in order to suspend its meetings for more than two days, the consent of both chambers is necessary.

ART. 70. The chambers shall reside in the same place; and they cannot remove to another, without previously agreeing on such removal, as well as the time and manner of effecting it, and designating the same point for their re-union. But if both agree on the removal, but differ as to time, mode, and place, the President of the Union shall decide the question, by choosing one of the places in dispute.

ART. 71. The general congress shall close its sessions annually on the 15th of April, with the same formalities prescribed for its opening, with the faculty of prolonging it for thirty working days whenever they deem it necessary, or the President of the Union may request it.

ART. 72. Whenever the general congress may unite in extra session, it shall be composed of the same deputies and senators which formed the ordinary session, and who will confine their attention exclusively to the objects for which they were convoked; but if these be not disposed of at the day appointed for the regular session, the extra session must be closed, and the points pending left to the decision of the ordinary congress.

ART. 73. The resolutions taken by congress relative to the change, prorogation, or suspension of its sessions, according to the three preceding articles, must be communicated to the president, who will cause them to be executed without making any observations thereon.

## TITLE IV.

## OF THE SUPREME EXECUTIVE POWER OF THE CONFEDERATION.

*Section First.**Of the Persons to whom this Power is confided, and their Election.*

ART. 74. The supreme executive power is entrusted to a single individual, who shall be styled President of the United Mexican States.

ART. 75. There shall also be a vice president, who shall discharge all the duties of the president, in case of physical or moral inability of the latter.

ART. 76. In order to be president or vice president it is necessary to be born a Mexican citizen, to be thirty-five years of age at the time of election, and residing in the country.

ART. 77. The president cannot be re-elected until the fourth year after his functions have ceased.

ART. 78. He who has been elected president or vice president of the republic, will discharge these functions in preference to all others.

ART. 79. The 1st of September, of the year immediately preceding that on which the president ought to enter on his office, the legislature of each state must elect, by an absolute majority of votes, two individuals, of which one at least shall not be a resident of such state.

ART. 80. When the vote has been taken, the legislatures shall forward to the president of the council of government, evidence of the act of election in due form, in order that he may dispose of the same in the manner prescribed by the regulations of the council.

ART. 81. On the 6th of January following, the evidence, spoken of in the preceding section, shall be opened and read in joint session of the chambers, if two-thirds of the votes of the states have been received.

ART. 82. When this evidence has been read, the senators shall retire, and a committee, appointed by the chamber of deputies, and composed of one member from each state represented, shall give an account of the result.

ART. 83. The chamber shall forthwith proceed to examine the election, and enumerate the votes.

ART. 84. He who unites the absolute majority of the votes of the legislatures shall be president.

ART. 85. If two were to possess a majority, he shall be president who has the greatest number of votes, and the other vice president. In case of equality, the chamber of deputies shall elect one as president, and the other shall be vice president.

ART. 86. If neither have the absolute majority of votes of the legislatures, the chamber of deputies shall elect the president and vice president, choosing for each one having the greatest number of votes.

ART. 87. When more than two individuals possess a majority, or equal number of votes, the chamber shall choose among them the president or vice president, as the case may be.

ART. 88. If one have the absolute majority, and two or more an

equality of votes, but greater than the rest, the chamber shall choose from those having the greatest votes.

ART. 89. If all have an equal number of votes, the chamber shall choose a president and vice president from among the whole; as also, when one has a greater number, and the rest an equal number of votes.

ART. 90. Should there be a tie, when voting upon the elections of the legislatures, the vote shall be repeated once, and if it still continues to be a tie, chance shall decide.

ART. 91. In competitions between two or more, having an equal number of votes, the voting must be directed to reduce the competitors to two or one, in order that the remaining party be placed in competition with him who has a majority of votes.

ART. 92. As a general rule, in voting for president and vice president, chance shall not be resorted to till after two votings.

ART. 93. In voting on the elections of the legislatures, as well as on the nomination of president and vice president, the representation of each state shall have but one vote; and in order to have a decision of the chamber, there must be an absolute majority of votes.

ART. 94. In order to deliberate on the objects mentioned in the preceding article, there must concur more than one-half of the whole number of members, and three-fourths of the deputies of the states.

### *Section Second.*

#### *Of the Duration of the Presidency and Vice Presidency, and the mode of filling Vacancies in each, and of their Oath.*

ART. 95. The President and Vice President of the Union shall enter on their functions on the 1st of April; and shall vacate their offices, on the same day four years afterwards, by a new and constitutional election.

ART. 96. If from any cause whatever, the elections of president and vice president should not be completed and published by the first of April on which the installation is to take place, or the persons elected should not be ready to enter on the office, the functions of the former shall, nevertheless, cease, and the chamber of deputies, voting by states, shall elect a president ad interim.

ART. 97. In case the president or vice president be temporarily prevented, what has been prescribed in the preceding article shall take place, and if the impediment were to occur while the congress is not in session, the supreme executive power is confided to the president of the supreme court of justice and two individuals chosen by the absolute plurality of votes of the council of the government. These cannot be members of the general congress, and they ought to possess the qualifications required of the president of the Union.

ART. 98. While the elections above spoken of are making, the president of the supreme court of justice discharges the executive power.

ART. 99. In the event of perpetual impossibility of the president or vice president, congress, and in their recess the council of government, shall provide for the case according to the 96th and 97th articles, and take steps that the legislatures proceed to elect a president and vice president according to the constitutional forms.

ART. 100. The election of president and vice president made by the legislatures, in consequence of the perpetual impossibility of those holding these offices, shall not prevent the ordinary elections which take place the first of September every four years.

ART. 101. The president and vice president elected every four years, ought to be on the first of April in the place where the supreme powers of the Union reside, and take an oath before the united chambers to fulfil their duties in the following form: I, —, appointed president (or vice president) of the United Mexican States, swear before God and his holy evangelists, that I will faithfully discharge the office which the United States have entrusted me with, and that I will observe, and cause to be observed, exactly the constitution and the general laws of the confederation.

ART. 102. If neither the president nor the vice president present themselves to take the preceding oath, and the session of congress is open, they shall take such oath before the council of government as soon as each presents himself.

ART. 103. If the vice president present himself, and take the oath before the president, he shall be at the head of government until the president has taken the oath of office.

ART. 104. The president and vice president, constitutionally appointed according to the 99th article, and the individuals provisionally appointed to exercise the functions of president according to the 96th and 97th articles, shall take the oath mentioned in the 101st article, before the chambers if in session, and if not, before the council of the government.

### *Section Third.*

#### *Of the Prerogatives of the President and Vice President.*

ART. 105. The president may propose to congress such new laws or reform in old laws as he may think conducive to the general good, by proposing them to the chamber of deputies.

ART. 106. The president may once, within ten working days, make observations on laws and decrees passed by the general congress, and suspend their publication until the resolution of congress, except in cases provided for by the constitution.

ART. 107. The president, while he remains in office, can only be accused before one of the chambers, and only for the offences mentioned in the 38th article, and committed at the time therein specified.

ART. 108. Within one year, counting from the time at which the office of the president ceases, he cannot be accused except before the chambers, for offences mentioned in the 38th article, as well as for all others committed during the time he was in office. When the year is passed, he cannot be accused for such offences.

ART. 109. The vice president, during the four years of his employment, can only be accused before the chamber of deputies for an offence committed during the time of such employment.

*Section Fourth.*

*Of the Attributes of the President, and the Restrictions of his Powers.*

ART. 110. The attributes of the president are the following:

1. To publish, circulate, and cause to be observed, the laws and decrees of the general congress.

2. To make regulations, decrees, and orders for the better observance of the constitution, constitutive act, and general laws.

3. To execute the laws and decrees having for their object the preservation of the integrity of the Union, and to sustain its exterior independence, and its interior union and liberty.

4. To appoint and remove at pleasure the secretaries of state.

5. To watch over the collection, and decree the appropriation of the general contributions agreeably to law.

6. To name the heads of the treasury, the general commissaries, diplomatic agents, consuls, colonels and other superior officers of the permanent army, and of the armed and active militia, with the approbation of the senate, and in the recess, by the council of the government.

7. To appoint the other officers of the permanent army and of the armed and active militia, and the officers of the confederation observing therein the dispositions of the law.

8. To appoint, out of three candidates proposed by the supreme court, the judges and fiscals of the circuit and district courts.

9. To grant discharges and furloughs, and regulate the pensions of the military, agreeably to law.

10. To dispose of the permanent army and navy and the active militia for the interior security and external defence of the nation.

11. To dispose of the local militia for the same objects, and even employ the same beyond the limits of their respective states and territories, after previous consent of the general congress, which shall specify the force necessary, and, if congress be not in session, the council of the government shall give its consent, and make the aforesaid specification.

12. To declare war in the name of the United Mexican States, upon a previous decree of the general congress; grant letters of marque according to the provisions of law.

13. To make concordats with the Apostolic See, according to the terms of the 12th power of the 50th article.

14. To direct diplomatic negotiations, and make treaties of peace, friendship, alliance, truce, confederation, armed neutrality, commerce, and all other kinds; but in order to give or withhold ratification of the same, the approbation of the general congress is necessary.

15. To receive ministers and other agents of foreign powers.

16. To ask of the general congress the prorogation of their sessions for thirty working days or less.

17. Convoke extra sessions of congress when he thinks it necessary, and two-thirds of the members present of the council of government shall agree to it.

18. Also to convoke extra sessions of congress, when two-thirds of the members present of the council of government think it necessary.

19. To see that prompt and perfect justice is administered by the supreme court and other tribunals of the Union, and that their decrees be carried into effect, according to law.

20. To suspend from their employments, for a space not exceeding three months, and deprive of not more than half their salaries for the same period, all persons employed by the Union, who violate his orders or decrees, and, if he thinks such persons should be tried, to send them before the competent tribunals.

21. To approve or retain decrees of councils, pontifical bulls, letters, and rescripts, with consent of the general congress, consulting the senate, and, in the recess, the council of government, when they treat on subjects peculiar to the administration, and the supreme court, when on subjects of litigation.

ART. 111. The president, in publishing the laws and decrees, shall use the following formula: "The President of the United Mexican States makes known to the inhabitants of the Republic, that the General Congress has decreed as follows: [here insert the text]." Wherefore, I order that the same be printed, published, and circulated and carried into effect.

ART. 112. The restrictions of the president's powers are the following:

1. The president cannot command in person the army or navy without the previous consent of the general congress, or, in its recess, the council of government, by a vote of two-thirds of the members present, and when he commands them with such permission, the vice president shall act as president.

2. The president cannot deprive any one of his liberty, nor impose any punishment; when the welfare and security of the Union requires, he may, however, arrest persons, placing them, within forty-eight hours, at the disposition of the competent tribunals.

3. The president cannot occupy the property of any individual or corporation, nor disturb them in their possession or use of the same; and if in any case it should be necessary for some object of acknowledged utility to take the property of an individual or a corporation, it cannot be done without previous approbation of the senate, and in the recess, the council of government, always indemnifying the party the value fixed by appraisers chosen by himself and the government.

4. The President cannot impede elections nor the other acts spoken of in the 38th article.

5. Neither the President nor the Vice President can leave the republic during the time of their office, nor for a year afterwards.

### *Section Fifth.*

#### *Of the Council of the Government.*

ART. 113. During the recess of Congress there shall be a Council of Government composed of half the senate, one from each state.

ART. 114. For the first two years the council shall be composed of those first elected by their respective legislatures, and in the sequel by the oldest.

ART. 115. The Vice President shall be president of the council, and

he shall appoint according to his own regulation a president pro tempore to discharge his functions in his absence.

ART. 116. The attributes of this council shall be as follows:

1. To watch over the observance of the constitution and the constitutive act and general laws, keeping a record of all incidents relating to this subject.

2. To make such observations to the President as they deem useful to the accomplishment of the constitution and laws of the Union.

3. To require, of their own accord, or at the request of the President, extra sessions of Congress, but in such cases two thirds of the members present must concur, according to §§ 17. and 18. of art. 110.

4. Give their consent for using the local militia, according to § 9. of art. 110.

5. Approve of the appointments mentioned § 6. of art. 110.

6. Give its consent in the case of art. 112. § 1.

7. Appoint two individuals, who jointly with the president of the supreme court, shall exercise provisionally the supreme executive power, according to art. 97.

8. To receive the oath of art. 101, from the individuals of the supreme executive power, in the cases mentioned in the constitution.

9. To give their opinion in consultation with the President, according to § 21, art. 110. and on other subjects on which he may consult them.

### *Section Sixth.*

#### *Of the Business of Government.*

ART. 117. For the despatch of the business of government of the republic, there shall be appointed such a number of secretaries as Congress may establish by general law.

ART. 118. All the regulations, decrees and orders of the President ought to be signed by the secretary of state of the department to which it belongs, and without this formality they are not to be obeyed.

ART. 119. The secretaries of state shall be responsible for all acts of the President, signed by them contrary to the constitution, the constitutive act, general laws, and the constitutions of particular states.

ART. 120. The secretaries of state shall give to each chamber, as soon as it opens, an account of the situation of their respective departments.

ART. 121. In order to be secretary of state, one must be born a Mexican citizen.

ART. 122. The secretaries of state shall form regulations for the distribution and despatch of business under their care, which shall be submitted by government to Congress for their approbation.

## TITLE V.

## OF THE JUDICIAL POWER OF THE UNION.

*Section First.**Of the Nature and Distribution of this Power.*

ART. 123. The judicial power of the Union shall reside in a supreme court of justice, and in circuit and district courts.

*Section Second.**Of the Supreme Court of Justice, the Election, Duration and Oaths of its Members.*

ART. 124. The supreme court of Justice shall be composed of eleven ministers, divided into three chambers, and of one fiscal, the general Congress having power to increase this number if they think proper.

ART. 125. In order to be elected member of the supreme court, it is necessary to be instructed in the science of law, in the opinion of the legislatures of the states, to have thirty-five years of age, be a natural born citizen of the republic, or born in some part of America, which prior to 1810 belonged to Spain, and which has separated from it, provided he have five years residence within the republic.

ART. 126. The individuals composing the supreme court of justice shall hold the office for life, unless removed according to law.

ART. 127. The election of the members of the supreme court shall take place on the same day, by the legislatures of the state by an absolute majority.

ART. 128. The elections concluded, each legislature shall send to the president of the council of the government a certified list of the twelve individuals elected, noticing him who has been appointed Fiscal.

ART. 129. The president of the council as soon as he shall have received the lists of at least three-fourths of the legislatures, shall dispose of them in the manner prescribed by the regulations of the council.

ART. 130. On the day appointed for the meeting of Congress, the said list shall be opened and read, in the presence of both chambers, after which the senators shall retire.

ART. 131. Immediately the chamber of deputies shall appoint by an absolute majority a committee, which must be composed of one deputy from each state, whose representatives are present, to which the lists must be sent, in order to verify the result, after which the chamber will verify the election and count the votes.

ART. 132. The individual or individuals uniting more than one half of the votes given by all the legislatures, and not by those of their respective members, shall be regarded as elected, and the chamber will so declare them.

ART. 133. If those uniting a majority of the suffrages spoken of in the preceding article do not amount to twelve, the same chamber shall

elect successively among the individuals who have obtained the greatest number of votes of the legislatures, observing in relation to such election, what has been prescribed in the first section of tit. 4th, which treats of the election of President and Vice-President.

ART. 134. If a senator or deputy be elected minister or fiscal of the supreme court, he will prefer such election.

ART. 135. When a vacancy occurs in the supreme court, it shall be filled agreeably to the provisions of this section, information having been previously given to the governors and legislatures of the states.

ART. 136. The members of the supreme court, before entering into office, shall take the following oath before the president of the republic; "Ye swear by God our Lord to conduct yourselves faithfully and legally in the discharge of the duties confided to you by the nation, and if ye act thus God will reward you, if not, punish you."

### Section Third.

#### *Of the Attributes of the Supreme Court.*

ART. 137. The following are the attributes of the supreme court:

1. To take cognisance of disputes, which may arise between the different states of the Union, whenever there arises litigation in relation to the same, requiring a formal decree, and that arising between a state and one or more of its inhabitants, or between individuals in relation to lands, under concessions from different states, without prejudice to the right of the parties to claim the concession from the party which granted it.

2. To decide disputes which grow out of contracts and transactions between the supreme government and its agents.

3. To consult upon the acceptance or refusal of papal bulls, letters and rescripts, granted on litigated points.

4. Decide on the competency of the tribunals of the Union, and on conflicting jurisdictions between them and the state tribunals.

5. To take cognisance,

*First.* Of accusations against the president and vice-president according to arts. 38 and 39, after the previous declaration of art. 49.

*Secondly.* Of criminal prosecutions of the deputies and senators indicated in art. 43, after the declaration spoken of in art. 44.

*Thirdly.* Of those against the governors of the states in the cases mentioned in art. 38. part 3d, after the declaration spoken of in art. 40.

*Fourthly.* Of those against the secretaries of state agreeably to art. 38 and 40.

*Fifthly.* Of the civil and criminal affairs of the diplomatic agents and consuls of the republic.

*Sixthly.* Of causes in admiralty, prizes by land and water, and contraband; of crimes committed on the high seas; of offences against the united Mexican nation; of the officers of the treasury and justice of the Union; of infractions against the constitution and general laws, according to the dispositions of law.

ART. 138. It shall be determined by law, in what manner the supreme court shall take cognisance of the cause mentioned in this section.

*Section Fourth.**Mode of judging the Members of the Supreme Court.*

ART. 139. To judge the members of the supreme court, the chamber of deputies shall elect every two years, in the first month of their ordinary session, and voting by states, twenty-four individuals, not members of congress, and possessing the qualifications of the members of the supreme court. From these shall be chosen by lot a fiscal, and a number of judges equal to the first chamber of the court, and when it is necessary, the chamber of deputies, and, in the recess, the council of government, shall elect in the same manner the other chambers (*salas*).

*Section Fifth.**Of the Circuit Courts.*

ART. 140. The circuit court of a judge skilled in law and a fiscal, both named by the supreme executive power from three candidates, designated by the supreme court, and of two associates, according to law.

ART. 141. To be circuit judge, it requires to be a citizen, and thirty years of age.

ART. 142. To these courts belong, to judge causes in admiralty; captures by land and sea, contraband; crimes committed on the high seas; offences against the United States of Mexico; suits against consuls, and civil causes in which the Union is interested exceeding five hundred dollars in value. A special law shall designate the number of these courts, the manner and form in which they ought to exercise their powers: they are under the inspection of the supreme court.

*Section Sixth.**Of the District Judges.*

ART. 143. The United Mexican States shall be divided into a certain number of districts, in each of which there shall be a judge skilled in law (*letrado*), and who shall take cognisance, without appeal, of all causes in which the Union is interested, and whose value does not exceed five hundred dollars, and in the first instance of all causes which belong to the jurisdiction of the circuit courts.

ART. 144. To be judge of the district court, it is necessary to be a citizen of the Union, and twenty-five years of age. The president appoints these judges from three candidates named by the supreme court.

*Section Seventh.*

*General Rules for Administration of Justice in the States and Territories of the Union.*

ART. 145. Each state shall give faith and credit to the acts, registers, and proceedings of the judges and other authorities of the other states, and congress shall establish a uniform law for proving such acts, registers, &c.

ART. 146. The penalty of infamy does not extend beyond the person punished.

ART. 147. The confiscation of goods is forever abolished.

ART. 148. All judgments by commissions and retroactive laws, are forever prohibited.

ART. 149. No authority shall ever inflict the torture under any pretence.

ART. 150. No one can be confined unless there be half proof or indications of his guilt.

ART. 151. No one shall be detained on indications alone, for more than sixty hours.

ART. 152. No authority can direct the seizure and registry of papers and effects in houses, except in cases and in the form expressly prescribed by law.

ART. 153. No one is bound to accuse himself in criminal matters.

ART. 154. The military and ecclesiastic remain subject to the same laws and tribunals as heretofore.

ART. 155. No suit can be instituted, either for civil or criminal injury, without previous demand in conciliation.

ART. 156. No one can be deprived of the right of terminating his differences before arbitrators chosen by each party, in every stage of the cause.

TITLE VI.

OF THE STATES OF THE FEDERATION.

*Section First.*

*Of the Particular Government of the States.*

ART. 157. The government of each state shall be divided into three powers, viz: the legislative, executive, and judicial, and two or more of these can never be united in the same person or corporation, nor can the legislative power be vested in a single individual.

ART. 158. The legislative power of each state resides in a legislature, composed of the number of individuals determined by their particular constitutions, elected by the people, and removable at the time and in the manner they may prescribe.

ART. 159. The person or persons to whom the states confide the executive power can exercise it only for a limited time, fixed by their constitutions.

ART. 160. The judicial power in each state shall be exercised by the tribunals established by their constitutions, and all causes as well civil as criminal which originate in such courts must be therein finally disposed of.

*Section Second.*

*Of the Obligations of the States.*

ART. 161. Each state is bound;

1. To organize its government agreeably to the constitution and the constitutive act.

2. To punish through their governors, their constitutions and laws.

3. To cause the constitution and general laws of the Union to be observed, as well as all treaties made or to be made with foreign powers.

4. To protect its inhabitants in the enjoyment of the liberty of writing, printing and publishing their political ideas, without license, or previous revision or approbation, causing however the laws relative to this matter to be duly observed.

5. To surrender criminals to the governments of other states, claiming them.

6. To surrender fugitives from other states to the persons justly claiming them or compel them in some other mode to satisfy the party interested.

7. To contribute to the extinguishment of the debts acknowledged by congress.

8. To send annually to each of the chambers of congress a circumstantial account of the receipts and expenditures of the treasuries in their respective districts, with the origin of each, the state of agriculture, commerce and manufactures, of the new modes of industry which might be usefully introduced and protected, as well as the population and the means of protecting and augmenting the same.

9. To forward to the chambers, and in the recess to the council of government, and the executive power, a copy of their constitutions and laws.

*Section Third.*

*The Restrictions of the Powers of the States.*

ART. 162. No state can,

1. Establish tonnage duties nor ports of entry without consent of congress.

2. Impose duties on imports and exports without consent of congress.

3. Have a standing army or navy without the consent of congress.

4. Engage in transactions or declare war with foreign powers, resisting them however in case of actual invasion, of which immediate notice is given to congress.

5. Enter upon any transaction with other states of the Union, without consent of congress, or its subsequent approval if it has reference to boundaries.

TITLE VII.

*Only Section.*

*Of the Observance, Interpretation, and Reform of the Constitution and Constitutive Act.*

ART. 163. All public functionaries without exception, before entering on their offices must take an oath to observe the constitution and the constitutive act.

ART. 164. Congress will enact laws to punish those violating the constitution.

ART. 165. Congress alone has the right to interpret the constitution in doubtful cases.

ART. 166. The legislatures of the states may make observations on the different provisions of the constitution and constitutive act, but congress shall take them into consideration till the year 1830.

ART. 167. The congress of the present year will select such observations as deserve to be referred to the next congress, which must be communicated to the president who will cause them to be published without any observations.

ART. 168. Next congress in the first year of its ordinary session, shall take into consideration these observations, and make such reforms as it thinks necessary. But the same congress can not propose amendments and act on them.

ART. 169. The reforms and additions which may be proposed after 1830, shall be considered by congress in the 2d year of their session, and if regarded as necessary according to the preceding articles, this resolution shall be published for the consideration of the next congress.

ART. 170. To reform or add to this constitution or the constitutive act, all the rules shall also be observed, which are required for the formation of laws except that the president shall not have the right to make the observations of art. 106.

ART. 171. Those articles of this constitution and of the constitutive act which establish the liberty and independence of the Mexican nation, its religion, form of government, liberty of the press and the division of the supreme powers of the Union and of the states can never be changed.

Given in Mexico on the 4th of October in the year of our Lord 1824, in the 4th year of the Independence, 3rd of Liberty and 2d of the confederation.

(Signed)

LORENZO DE ZAVALA, President, &c.



# LAWS OF COLONIZATION

PASSED BY

THE SUPREME GOVERNMENT

OF

MEXICO,

AND

BY THE PROVINCIAL GOVERNMENT

OF

COAHUILA AND TEXAS

1824-25

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LONDON:

1828



TRANSLATION  
OF THE  
GENERAL LAW OF COLONIZATION

No. 72. DATED 18th AUGUST, 1824.

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The Sovereign General Congress, assembled for the purpose of framing the Constitution of the United Mexican States, has decreed as follows:—

ART. 1.—The Mexican Nation offers to those foreigners who may be desirous of settling in her territory security for their persons and property, provided they obey the laws of the country.

ART. 2.—This law relates to those lands, national property, which, as belonging to no individual, corporation or town, may be occupied by settlers.

ART. 3.—For this purpose the Congresses of the States shall as speedily as possible frame laws or regulations for the colonization of those lands which appertain to them, conforming in every respect with the fundamental Constitutional Act, the General Constitution, and the regulations established by this law,

ART. 4.—No lands lying within 20 leagues of the boundaries with any foreign nation, nor within 10 leagues of the coast, can be occupied by settlers, without the previous approbation of the Supreme Executive Power.

ART. 5.—If, with a view to the defence or security of the nation, the government of the federation should think fit to occupy any of the lands, in order to construct magazines, arsenals, or other public buildings, it is empowered so to do, with the approbation of the general Congress, and during its recess with that of the Council of Government.

ART. 6.—Until 4 years from the publication of this law, no impost shall be levied for the admission of those foreigners who may come for the first time, in order to settle in the nation.

ART. 7.—Until the year 1840 the general Congress shall not prohibit the admission of foreigners to colonize, excepting, indeed, circumstances should imperiously oblige it so to do, with regard to the individuals of any nation.

ART. 8.—The Government, without defeating the purposes of this law, shall take those measures of precaution which it may deem expedient for the security of the federation, with regard to those foreigners who may come to colonise.

ART. 9.—In the distribution of lands a preference is to be given to Mexican citizens, and between them no other distinction shall be made

than that to which individual merit, or services rendered to the country, may justify, or, where in other cases a parity exists, residence in the part to which the lands appertain.

ART. 10.—Those military men who, agreeably to the offer of the 27th March, 1821, have a right to lands, shall be recompensed on presenting the documents with which the Supreme Executive Power shall for that purpose provide them.

ART. 11.—If, according to decrees for paying off the principal according to a calculation of the probability of the length of life of the incumbent, the Supreme Executive Power should think proper to alienate any portions of land in favour of any public servants of the federation, military or civil, it is empowered so to do, with the government lands of the territories of the Republic.

ART. 12.—In the possession of no individual shall be allowed to be united, as his own property, more than one square league of 5000 yards of lands fit for irrigation, 4 of arable land not irrigated, and 6 of pasture land.

ART. 13.—The new settlers are not permitted to transfer their property to religious communities.

ART. 14.—This law guarantees the contracts which speculators may make with those families which they may convey at their own expense, provided they are not contrary to the laws.

ART. 15.—No one who in virtue of this law obtains possession of lands, can hold them if settled out of the territory of the Republic.

ART. 16.—The government agreeably to the principles established in this law shall proceed to colonise the territories of the Republic.

The Supreme Executive Power is hereby made acquainted with this law, and will take the requisite measures for its fulfilment, directing that it be printed, published, and circulated.—MEXICO, 18th Aug. 1824.

(Signed)

C. IBARRA,

*President, Etc., Etc., Etc.*

PEDRO DE AHUMADA,

MANUEL DE VILLA Y CRIO,

*Deputies Secretaries.*

To DON LUCAS ALAMAN,

Directed to be published by the EXECUTIVE  
POWER, in Mexico, 18th Aug. 1824.

(Signed)

N. BRAVO,

*President, Etc., Etc., Etc.*

VICTOR GUERRERO.

MIGUEL DOMINGUEZ.

And published on the same day.

(Signed)

ALAMAN.

**LAW**  
FOR  
**PROMOTING COLONIZATION**  
IN  
**THE STATE OF COAHUILA AND TEXAS**

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DECREE, No. 16.—The Congress, assembled for the purpose of forming the Constitution of the Sovereign and Independent State of Coahuila and Texas, desirous of augmenting by all possible means the population of its territory; of encouraging the cultivation of its fertile lands, the raising of stock, and the progress of arts and commerce, in exact conformity with the Act on which the Constitution is founded; with the federal Constitution; and the basis established by the Sovereign Decree of the general Congress, No. 72; decree as follows:—

**LAW OF COLONIZATION**

OF

*THE STATE OF COAHUILA AND TEXAS.*

ART. 1.—All those foreigners who in virtue of the general law of the 18th August, 1824, by which security for their property and persons is offered in all the territory of the Mexican Nation, may be desirous of establishing themselves in any of the towns of Coahuila and Texas, are hereby permitted; that State invites and proposes to them so to do.

ART. 2.—Those who shall do so, far from being in any way molested, shall be secured by the local authorities of the above mentioned towns; which shall allow them full liberty to engage in whatever honest calling may suit them, as long as they duly obey the general laws of the nation, and the ordinances of the State.

ART. 3.—Whatever foreigner at present resident in in Coahuila and Texas, may determine on settling there, shall make a declaration to that effect, addressed to the municipal authorities of the town in which he is desirous of fixing his residence. The municipal authorities then shall bind him by oath, which he shall make, to abide by and obey the general Constitution, and that of the State; to observe the Religion as stipulated by the former; and in a book (the register of foreigners) which shall be kept for that purpose, his name and those of the members of his family, if he has any, shall be set down; noting the country from whence he comes, whether married or single, his employment; and he

having taken the requisite oath, shall be considered thenceforward, and not before that time, a fellow-citizen.

ART. 4.—From the very day in which any foreigner becomes a citizen, agreeably to the preceding article, he may denounce any land belonging to the State, and the proper civil authority being under the obligation of passing to the government, for its approbation, the petition thus made on this subject, shall award it to him; as also to every native of the country, acting in conformity with the laws on that subject.

ART. 5.—The foreigners of any nation and the native Mexicans may undertake to form new settlements on lands belonging to the nation, and even if belonging to individuals under the circumstances stated in Art. 35; but the new settlers, who may demand admission into the nation, must prove, by certificate from the authorities of the place from whence they came, that they are Christians, and also the morality and propriety of their conduct.

ART. 6.—Whatever foreigners shall arrive at a period at which the sovereign general Congress shall have prohibited, as it may do after the year 1840, or previously as regards the natives of any one nation, shall not then be admitted; and all those who shall arrive within the time allowed them, agreeably to this article, shall, nevertheless, be subjected to such measures for the security of the federation as the supreme government may adopt, regarding them without prejudice to the object of this law.

ART. 7.—The government shall take care that no settlement be made within 20 leagues of the boundaries of the United States of North America, and 10 leagues along the coast of the Gulf of Mexico, except such as shall obtain the sanction of the Supreme Government of the Union: for which purpose it shall forward to it every petition on that head, made by Mexicans or foreigners, adding to it whatever remarks it may deem expedient.

ART. 8.—All projects for establishing colonies, on which one or more persons may offer to bring, at their own expense, 100 or more families, shall be presented to the government, which, if it finds them agreeable to the law, shall approve of them, and immediately mark out to the projectors the lands which they are to occupy, and the number of years allowed them for presenting the number of families for which they have stipulated, under penalty of forfeiting the rights and benefits offered them in proportion to the number of families they shall omit to provide, and the grant shall be wholly annulled should they not present, at the least, 100 families.

ART. 9.—This law guarantees all contracts made between the projectors and the families brought at their expense, inasmuch as they are in conformity with its provisions.

ART. 10.—In the distribution of lands a preference shall be given to military men, who, agreeably to the documents granted by the Supreme Executive Power, may have a right to them; and Mexican citizens not military men, amongst whom no other distinction shall be made than that which may be founded on the individual merits, and services rendered the country; or if no other difference exists, residence in the parts where the lands lie: the dimensions of the divisions of those lands will be designated in the following articles.

ART. 11.—A square of land, of which each side is one league of 5,000 yards, or, what is precisely the same, 25,000,000 yards of surface, shall be named a lot, and this shall be considered as the unity in counting one, two, or more lots: thus, also, the unity in counting one, two, or more subdivisions shall be 1,000,000 yards of surface, or a square of 1,000 yards each side, which is the measure of one subdivision: the yard used in these measurements shall be three geometrical feet.

ART. 12.—Supposing the quantity of land above stated to be the unity, and a division of the land being made, when distributed into grazing lands and those adapted for tillage by means of irrigation, or not requiring irrigation;—this law grants to such projector or the projectors of plans for colonization, for each 100 families which they convey, and establish in the State, 5 lots of grazing land, and 5 subdivisions, of which at least one-half shall be arable land, not requiring irrigation; but they shall only receive this premium for as many as 800 families, even if they should introduce a greater number; nor shall any fractional number, be it what it may, which does not amount to 100, give them a right to any recompense, even in proportion to its amount.

ART. 13.—If any one or more projectors shall, on account of the families they have conveyed, obtain, agreeably to the preceding article, more than 11 square leagues, the whole of the land shall be granted to them, but they shall be under the obligation of selling the surplus within 12 years; and should they neglect to do so, the proper civil authorities shall do it, selling it at public auction, and delivering to them the net proceeds, after deducting all the expenses attending the sale.

ART. 14.—To each of the families included in a project of colonization, whose sole occupation is the cultivation of the land, one division of land shall be given; should it also breed cattle, it shall receive also of grazing land a sufficient quantity to complete one lot; and if it only breeds cattle, it shall have of grazing land an extent of 24,000,000 superficial yards.

ART. 15.—Bachelors shall on marrying obtain a similar quantity, and those foreigners who marry Mexican women shall have one-fourth more; but all those who are alone, or forming a part of no family, whether they are Mexicans or foreigners, must content themselves with one-fourth part of the above-mentioned portions, nor will any greater quantity be allowed to them, and the allotments will be assigned to them in this proportion.

ART. 16.—The families, and single men, who having performed the journey at their own expense may wish to join any of the new settlements, shall be permitted to do so at any time; and their assignments of lands shall be to each individual the same as those mentioned in the preceding articles; but if they do so within the first 6 years of the establishment of the colony, one more subdivision shall be given to each family, and each bachelor, in lieu of the one-fourth which the 15th Article designates, shall receive one-third part.

ART. 17.—The government is empowered to augment the assignment mentioned in the 14th, 15th, and 16th Articles, in proportion to the number of persons in each family, and to the industry and activity of the colonists, in conformity with the information relative to those points conveyed by the municipal authorities and the commissioners; but the

government must always bear in mind the purport of the 12th Article of the decree of the General Congress on this point.

ART. 18.—Whatever families shall settle in conformity with the 16th Article shall immediately present themselves to the civil authorities of the settlement which they have selected, which on finding in them the requisites which this law demands in the new settlers, shall admit and put them in possession of the lands to which they are entitled, and immediately inform the government, in order that it, or the person whom it designates for this purpose, may give them the title deeds.

ART. 19.—The Indians of all the tribes on the confines of the States, as also those of the wandering tribes in it, shall be received in the markets without demanding of them any duties on account of the traffic which they carry on in the natural productions of the country; and, if thus induced by kindness and confidence any of them should be desirous (previously making a declaration in favor of the religion and institutions) to establish themselves in any of the settlements which may be formed, they shall be admitted, and obtain the same quantity of land as the settlers mentioned in Articles 14 and 15; the natives being always preferred to the Indians coming from a foreign country.

ART. 20.—In order that no lands may be left without possessors, which will be most sedulously avoided when they are distributed, the divisions will be made in squares or some other figures, although it be irregular, if the situation requires it; and in the above-mentioned distribution, as also in the selection of those in which the new towns are to be placed, the owners of the adjacent lands shall be cited, in order to avoid disputes and contentions.

ART. 21.—If, owing to any mistake in the grant, any land previously belonging to an individual should be occupied, his claim being proved, any portion of land wholly unclaimed shall be given to the person who had obtained it; and, moreover, he shall be indemnified by the occupant, agreeably to a just computation made by proper persons and agreeably to the laws, for all his expenses and the costs of the improvements which may be on it.

ART. 22.—The new colonist shall, as a species of acknowledgment, pay to the State for each lot of pasture land, 30 dollars;  $2\frac{1}{2}$  for each subdivision of arable land not irrigated, and  $3\frac{1}{2}$  dollars for each one of irrigated land, each in proportion to the kind and quantity of land which has been allotted to him; but the payment of those sums shall not be made in less than 6 years after their settlement, and in 3 equal instalments, the first at the expiration of the fourth, the others at the expiration of the fifth and sixth years, under penalty of forfeiting their lands should they neglect the payment of any one of these instalments: but the projectors and military men, mentioned in the 10th Article, are excepted, with regard to those lands which the former have obtained as a recompense, and the latter agreeably to the documents given them by the government.

ART. 23.—The municipal authorities, each in its respective district, shall collect the abovementioned sums gratis, by means of a committee of its own members or other persons, and shall deliver them as soon as collected to the person who is the depositary or treasurer of its funds and receipts, and he shall give the requisite receipt, and, with no other charge than that of  $2\frac{1}{2}$  per cent. which, and no more, will be allowed

him, will hold them at the disposal of the government, informing it monthly of the receipts and disbursements, and of any inattention and partiality in the collection; the public functionaries and the individuals of the municipal authorities which have named them, shall be responsible with their property for the conduct of the person, and of the committee, and in order that their responsibility may be at all times positive, the nominations shall be made by vote, naming each individual, and the government shall be immediately acquainted with their names.

ART. 24.—The government shall sell to the Mexicans, and only to them, the lands which they may be desirous of purchasing, but shall not allow more than eleven lots to fall into the hands of one individual, and under the express condition, that the purchaser must cultivate the lands which he obtains by these means within 6 years, under the penalty of losing them: the price of each lot, in conformity with the preceding Article, shall be 100 dollars for grazing, 150 for arable not watered, and 250 for irrigated lands.

ART. 25.—Until 6 years after the publication of this law, the Legislature of the State shall have no power to alter it, inasmuch as regards the measurement of lands, the price to be paid for them, the quantity and description of those which are to be granted to new settlers, and sold to Mexicans.

ART. 26.—It shall be considered, that the many settlers who within 6 years from the date of their grant have not cultivated or occupied according to its quality the land which has been granted to them, have renounced their rights, and the proper civil authority shall resume the grant and the title deeds.

ART. 27.—The projectors, and military men, of whom previous mention has been made, and those who have purchased lands, can sell their lands at any time, on condition that the purchaser oblige himself to cultivate them within the period in which the original possessor ought to do so, including also the time which they have been in his hands; the other settlers may sell theirs when they have cultivated them wholly, and not before that time.

ART. 28.—Every new settler from the very day of his settlement can dispose of his lands by will, made agreeably to the present or then existing law, even although he has not cultivated them; and if he should die intestate, the person or persons who inherit his property agreeably to the laws, shall succeed to them under the same obligations and conditions that he held them.

ART. 29.—The lands granted in virtue of this law can on no account be allowed to pass into the hands of religious communities.

ART. 30.—The new settler who shall determine on quitting the State, in order to establish himself in a foreign country, shall be allowed so to do, together with all his property, but in this case shall not retain his land, and if he has not previously sold it, or the sale been effected agreeably to the 27th Article, it shall be again considered as wholly belonging to the State.

ART. 31.—Those foreigners who agreeably to this law have obtained lands, and established themselves in these settlements, are considered from that moment as naturalized in the country, and should they marry Mexican women will be considered to have established a meritorious claim to obtain the rights of citizenship of the State, except,

however, in both instances the cases provided for by the enactments of the Constitution of the State.

ART. 32.—During the first 10 years, counting from the day in which settlements are established, they shall be free from every contribution under whatever denomination, excepting such as in the event of the invasion of an enemy or in order to prevent it every citizen is subjected to, and the produce and effects of the agriculture, and industry of the new settlers shall neither pay a duty on transit, or sale in the markets, nor any other kind of impost in any part of the State, excepting, indeed, the dues referred to in the following Article. At the expiration of the abovementioned period the new settlements shall bear the same imposts as the old settlements, and the colonists those paid by the other inhabitants of the State.

ART. 33.—From the very day of their establishment the new settlers shall be at liberty to pursue every branch of industry, as well as to work mines of every description, previously coming to an agreement with the Supreme Government of Federation relative to those which belong to the general revenues of the nation, subjecting themselves in the working of the others to the ordinances and laws already established, or which may hereafter be established on this subject.

ART. 34.—The towns shall be founded on the spots deemed by the government, or the person it names for that purpose, most fitting, and for each of them four leagues square shall be designated, which space shall be either of a regular or irregular shape, according to the locality.

ART. 35.—If any one or more of the abovementioned sites should be the property of an individual, and the establishment of new towns in them should be of evident public utility, they shall nevertheless be destined to this purpose; an indemnification agreeably to the decision of arbitrators being previously given.

ART. 36.—The sites for houses in the new towns shall be given gratis to the projectors of them, as also to artisans of every description those which they may require for their workshops, and they shall be sold to the others at public auction, an estimate of the value being previously made, on condition of the price being paid in three equal instalments, the first in six months, the second in twelve, and the third in eighteen; but every possessor of sites, including projectors and artisans, shall pay yearly one dollar for each one that he holds, and this sum, as also the product of those sales, shall be collected by the municipalities, and applied to the purpose of erecting a church in the town.

ART. 37.—At least, inasmuch as is possible, the towns shall be composed of natives, and foreigners, and in tracing them care shall be taken to give them the most appropriate plan to preserve the straightness of the streets, running in a parallel direction to each other from South to North, and East to West, in as much as the ground may permit.

ART. 38.—In order to place the new towns more conveniently, to regulate their plan, and the exact division of the lands and sites, the government, in consequence of having admitted the projects, and agreed with any projector or projectors who have presented it, shall commission a skilful confidential agent, giving him those instructions on the subject which it may deem requisite and proper powers, in order that on his own responsibility he may name one or more land surveyors, who

may measure the land scientifically, and perform whatever other duties may be required.

ART. 39.—The government, agreeably to the latest tariff of notaries public of the old ordinance of Mexico, shall designate to the commissioner his salary, and he, with the consent of the colonists, shall decide on the dues payable to the land surveyor or surveyors; but the expenses of both shall be paid by the colonists themselves, and the mode, and the terms on which each payment shall be made, shall be arranged by an agreement between all parties.

ART. 40.—As soon as at least 40 families are united, they shall proceed to the formal establishment of a new town, all binding themselves by oath, taken before the commissioner, to observe the general Constitution, and that of the State, and subsequently the commissioner presiding for this the first time, shall proceed to the election of the municipality.

ART. 41.—The new town whose population amounts to 200 inhabitants shall elect a corporate body, if there be no other established within the distance of 8 leagues, but if there be one it shall be added to its jurisdiction; the number of members of which the corporation is to be composed shall be regulated agreeably to the existing laws.

ART. 42.—A reservation being made in favour of all the enactments of the Constitution of the State, the foreign settlers are permitted to elect and be elected members of the municipal body.

ART. 43.—Each corporate body shall propose to the government, through the medium of the chief of the civil authorities, a tariff of the municipal and other charges, accompanying a note of the revenues which it considers calculated to cover them, and if the plan proposed should be approved of by the government, it shall order that it shall be carried into effect, without however in any way interfering with whatever the Congress may determine, and it shall immediately be made acquainted with it, together with the opinion of the government, and of the above-mentioned chief of the civil authority, who shall always forward his opinion on the subject.

ART. 44.—The government shall send to the head of that department those individuals who in other parts of the State may be sentenced to hard labour as vagrants or for other crimes, in order that they may be employed in making and repairing the roads in Texas. These persons may also be employed in the services of individuals, who shall in that case pay them the requisite daily allowance, and at the expiration of the period for which they were condemned, they shall be allowed as settlers to join any of the new towns, and to obtain the due quantity of land, if by the improvement of their conduct they shall, in the opinion of the aforesaid chief of the civil department, have rendered themselves fit, but they shall not be admitted without his certificate.

ART. 45.—The government, agreeably to an arrangement with the proper ecclesiastical authorities, shall see that the new towns are provided with a proper number of clergy, and agreeably to an arrangement with the aforesaid authorities, shall propose to the Congress the salary which the new settlers are to pay them.

ART. 46.—As regards the introduction of slaves, the new settlers shall obey the laws already established, and which hereafter may be established on the subject.

ART. 47.—All petitions pending relative to matters which are the subject of this law, shall be decided in conformity with it, and for this purpose they shall be passed to the government; and those families which are established within the limits of the State, without having any land legally designated to them, shall be subjected to it; and those within 20 leagues of the boundaries of the United States of North America, and 10 of the coast of the Gulf of Mexico, shall obey the the dispositions made by the Supreme government.

ART. 48.—This law shall be published in all the towns of the State; and in order that it may come to the knowledge of those who compose the federation, it shall be communicated to (by the secretary of this) their respective Congresses, the government being specially charged to pass a certified copy, agreeably to the 161st Article of the Constitution, to the 2 Chambers, and to the Supreme Executive Power of the nation, together with a request to the latter, by means of its envoys to foreign nations, it may be generally known.

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The officiating governor of the State will make himself acquainted with this law, in order that it may be obeyed, causing it to be published and circulated.

*Given in town of Saltillo, 24th March, 1825.*

(Signed)

RAFAEL RAMOS Y VALDEZ,

*President.*

JUAN VICENTE CAPOS,

JOSE JOAQUIN DE ARCE ROSALES,

*Deputies Secretaries.*

THE

FREDONIAN

DECLARATION OF INDEPENDENCE

DECEMBER 21, 1826

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NACOGDOCHES.

1826



## DECLARATION OF INDEPENDENCE.

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“Whereas, the Government of the Mexican United States, have by repeated insults, treachery and oppression, reduced the White and Red emigrants from the United States of North America, now living in the Province of Texas, within the Territory of the said Government, into which they have been deluded by promises solemnly made, and most basely broken, to the dreadful alternative of either submitting their free-born necks to the yoke of an imbecile, faithless, and despotic government, miscalled a Republic; or of taking up arms in defence of their unalienable rights and asserting their Independence; [They —viz:—The White emigrants now assembled in the town of Nacogdoches, around the Independent Standard, on the one part, and the Red emigrants who have espoused the same Holy Cause, on the other, in order to prosecute more speedily and effectually the War of Independence, they have mutually undertaken, to a successful issue, and to bind themselves by the ligaments of reciprocal interests and obligations, have resolved to form a Treaty of Union, League and Confederation.

For the illustrious object, BENJAMIN W. EDWARDS and HARMAN B. MAYO, Agents of the Committee of Independence, and RICHARD FIELDS and JOHN D. HUNTER, the Agents of the Red people, being respectively furnished with due powers, have agreed to the following Articles.

1. The above named contracting parties, bind themselves to a solemn Union, League and Confederation, in Peace and War, to establish and defend their mutual independence of the Mexican United States.

2. The contracting parties guaranty, mutually, to the extent of their power, the integrity of their respective Territories, as now agreed upon and described, viz: The Territory apportioned to the Red people, shall begin at the Sandy Spring, where Bradley's road takes off from the road leading from Nacogdoches to the Plantation of Joseph Dust, from thence West, by the Compass, without regard to variation, to the Rio Grande, thence to the head of the Rio Grande, thence with the mountains to the head of Big Red River, thence north to the boundary of the United States of North America, thence with the same line to the mouth of Sulphur Fork, thence in a right line to the beginning.

The Territory apportioned to the White people, shall comprehend all the residue of the Province of Texas, and of such other portions of the Mexican United States, as the contracting parties, by their mutual efforts and resources, may render Independent, provided the same shall not extend further west than the Rio Grande.

3. The contracting parties mutually guaranty the rights of Empressarios to their premium lands only, and the rights of all other individuals, acquired under the Mexican Government, and relating or appertaining to the above described Territories, provided the said Empressarios and individuals do not forfeit the same by an opposition to the Independence

of the said Territories, or by withdrawing their aid and support to its accomplishment.

4. It is distinctly understood by the contracting parties, that the Territory apportioned to the Red people, is intended as well for the benefit of the Tribes now settled within the Territory apportioned to the White people, as for those living in the former Territory, and that it is incumbent upon the contracting parties for the Red people to offer the said Tribes a participation in the same.

5. It is also mutually agreed by the contracting parties, that every individual, Red and White, who has made improvement within either of the Respective Allied Territories and lives upon the same, shall have a fee simple of a section of land including his improvement, as well as the protection of the government under which he may reside.

6. The contracting parties mutually agree, that all roads, navigable streams, and all other channels of conveyance within each Territory, shall be open and free to the use of the inhabitants of the other.

7. The contracting parties mutually stipulate that they will direct all their resources to the prosecution of the Heaven-inspired cause which has given birth to this solemn Union, League and Confederation, firmly relying upon their united efforts, and the strong arm of Heaven, for success.

In faith whereof the Agents of the respective contracting parties hereunto affix their names. Done in the Town of Nacogdoches, this twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-six.

[Signed.]

B. W. EDWARDS,  
H. B. MAYO,  
RICHARD FIELDS,  
JOHN D. HUNTER.

We, the Committee of Independence, and the Committee of Red People, do ratify the above Treaty, and do pledge ourselves to maintain it in good faith. Done on the day and date above mentioned.

[Signed.]

	MARTIN PARMER, President.
RICHARD FIELDS,	HADEN EDWARDS,
JOHN D. HUNTER,	W. B. LEGON,
NE-KO-LAKE,	JNO. SPROW,
JOHN BAGS,	B. P. THOMPSON,
CUK-TO-KEH,	JOS. A. HUBER,
	B. W. EDWARDS,
	H. B. MAYO.

# LAWS AND DECREES

OF THE

## STATE OF COAHUILA AND TEXAS

TO WHICH IS ADDED THE

### CONSTITUTION OF SAID STATE

ALSO

THE COLONIZATION LAW OF THE STATE OF TAMAULIPAS  
AND NATURALIZATION LAW OF THE  
GENERAL CONGRESS.

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BY ORDER OF THE SECRETARY OF STATE.

TRANSLATED BY J. P. KIMBALL, M. D.

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HOUSTON.

1839



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LAWS AND DECREES  
OF THE  
STATE OF COAHUILA AND TEXAS

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## DECREE No. 1.

*The constituent Congress of the State of Coahuila and Texas has thought proper to decree as follows:*

1st. Said Congress is solemnly and legally installed in conformity to the decrees relative to its institution, and qualified to exercise its functions agreeably to the constitutive act of the Mexican Confederation, and other federal laws, that have been, or may be hereafter enacted by the general congress.

2d. The State of Coahuila and Texas is an integral part of the federation, equal to the other States of which the same is composed, and is free, sovereign and independent in whatever exclusively relates to the internal administration and government thereof, agreeably to the constitutive act, and to the constitution of the United Mexican States, which shall be promulgated by the general Congress.

3d. The territory of the State shall be that recognized as both provinces until the present time.

4th. The State of Coahuila and Texas solemnly pledges itself to obey and to sustain at all hazards the supreme federal powers, and its own federal union with the rest of the States, and the constitutional independence of all and each one of the same.

5th. The Deputies shall be inviolable as regards their opinions, and at no time, in no case, and by no authority shall they be called to account for the same, and with respect to the causes or demands against them, the same shall be observed as provided for the Deputies of the general Congress.

6th. As the form of its government is representative, popular, and federal, and, in order to its exercise ought to be divided into the three powers, legislative, executive and judicial, the first is vested in Congress.

7th. The executive power shall be provisionally deposited in one sole person, who shall be styled the Governor of the State, and shall be appointed by Congress.

8th. For the better discharge of his functions Congress shall appoint **him a council**, composed of a Vice Governor and four other persons, the former supplying any default of the Governor in case of vacancy, or should he be rendered unable to discharge his office by moral or physical impediment. The Governor shall consult with this council on all occasions he shall deem proper, and it shall be his duty to do so in all cases, and in the manner the laws do now or shall hereafter provide.

9th. The ordinary powers granted the Executive of the Union by the constitutive act shall constitute his powers in the State, with the exception of such as are exclusively reserved to the federation in the same act.

10th. The judicial power shall for the present be vested in the authorities, by which it is now exercised in the State, and in the administration of justice they shall be governed by the laws in use, so far as they are not opposed to the form of government adopted.

11th. All officers, authorities, and corporations, both civil and military, belonging to the State are hereby for the present confirmed, and in the exercise of their functions they shall be governed by the same laws, and in the same terms as specified in the foregoing article.

12th. It is established according to settled and universal principle that the inhabitants of the State, of whatever class or rank they may be, can only be burthened in the same proportion as those of the other States of the Union.

The Governor *ad interim* of the State, for the fulfillment thereof, shall cause the same to be published and circulated.

Given at Saltillo on the 15th of August, 1824.

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DECREE No. 2.

*The constituent Congress of the State of Coahuila and Texas has thought proper to decree as follows:*

1st. All the authorities, corporations, and officers of the State, of whatever class or rank they may be, shall take the oath to acknowledge and to obey the constituent Congress of the State.

2d. All the towns, the clergy both secular and regular, and all the military corps of the State shall take the same oath.

3d. The said oath shall be administered in the following form, viz: In whatever relates to the internal government thereof, do you recognize the sovereignty and independence of the free State of Coahuila and Texas, represented by its constituent Congress, elected according to the constitutive act, and other decrees relative to the institution thereof?—Yes, I do acknowledge. You solemnly swear to obey and to observe the laws and decrees that shall issue therefrom? Yes, I do swear.—So help you God, and should it not be thus you shall be responsible to the State, according to the laws. In the oath that shall be taken by the authorities, after the word “*observe*” shall be added “*and cause to be observed.*”

4th. The Vice Governor and other members of the council (when appointed) shall take the oath of recognition and obedience to the Congress in the hall of its sessions on the day the said Congress shall appoint. The former shall take the oath after the special form, approved for the effect for himself and the Governor, who has already taken the same.

5th. The Ayuntamiento, the superior officers attached to apartments for public business, and the prelate of the religious order of San Francisco of this capital, shall take the oath before the Governor of the State; those without the capital before the first constitutional Alcalde, or the person acting in his place, and their subordinates before their respective superiors.

6th. The venerable secular clergy of the State shall take the oath of recognition and obedience to Congress in the form that the Governor of the Mitre of Nuevo Leon, and the Rev'd. Bishop of Durango shall determine.

7th. The people shall take said oath before their respective ayuntamientos in the manner, and on the day, the latter shall agree; and the same shall also administer the oath to the first Alcaldes previous to taking it themselves.

8th. The chiefs, officers and privates of the militia of the state shall take the oath, with their colors placed in front.

9th. Corresponding attested copies of all these acts shall be forwarded to the governor of the State, who shall transmit the same to congress for its intelligence, and for the purpose of having them entered in the archives, reserving due evidence in his secretary office, in order to exact those that are wanting.

For the fulfilment thereof, the governor of the state shall cause the same to be published and circulated.

Given at Saltillo the 16th of August, 1824.

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#### DECREE No. 3.

The constituent Congress of the State of Coahuila and Texas has thought proper to decree as follows:

That for the present, and until the constitution of the state shall be published for issuing and publishing the decrees of congress, the following forms shall be used:

‘The constituent congress of the free, independent and sovereign state of Coahuila and Texas has thought proper to decree as follows:

‘For the fulfilment thereof the governor *ad interim* of the state shall cause the same to be published and circulated.’

For publishing decrees, ‘The governor *ad interim*, appointed by the sovereign congress of this state, to all unto whom these presents shall come, know ye: that congress has decreed as follows:’ [The decree to be here inserted.] ‘I, therefore, command all the authorities of the state, civil, military and ecclesiastical, to observe, and cause to be observed, to fulfill and to execute the present decree in all its parts.’

For the fulfilment thereof, the governor *ad interim* of the state shall cause the same to be published and circulated.

Given at Saltillo on the 17th of August, 1824.

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#### DECREE No. 4.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

The happy instalation of the congress of the state having already been celebrated with joy in this capital, the same shall be observed in the rest of the towns, chanting a solemn *Te Deum* in all the Parish churches, attended by the authorities, as an act of gratitude to the Supreme Being for so memorable an event; and public prayer shall be offered for three days in all the churches of the state, imploring divine aid to guide the deliberations of congress.

The governor, for its fulfilment, shall cause the same to be published and circulated.

Given at Saltillo the 20th of August, 1824.

DECREE No. 5.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

1st. The style of address of Congress, both verbally and in writing, shall be impersonal, and it shall have the title of Honorable.

2d. The style of address of the President shall be that of Excellency; and of the Secretaries, that of Lordship, in official correspondence only.

3d. The Governor's style of address shall be that of Excellency, in official correspondence.

4th. The Lieutenant Governor, when acting as Governor, shall have the same style of address.

The governor of the state *ad interim* shall cause the same to be published and circulated for its fulfilment.

Given at Saltillo the 21st of August, 1824.

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DECREE No. 6.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

Corporations without the capital, that have to congratulate congress, shall do so in writing, and not through the intervention of a third person.

The Governor of the State *ad interim* shall cause the same to be published and circulated for its fulfilment.

Given in Saltillo the 24th of August, 1824.

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DECREE No. 7.

The constituent Congress of the State of Coahuila and Texas, in exercise of the powers granted the same by decree of the general Congress of the 13th of July last, and in compliance with the other provisions therein, relative to the elections of deputies to the future constitutional congress, in order that the election of those corresponding to the State may be made, has thought proper to decree as follows:

ARTICLE 1. For the chamber of representatives of the general Congress, the State of Coahuila and Texas shall appoint one deputy *proprietor*, and one supletory.

ART. 2. Said deputies shall possess the qualifications specified in the articles of the constitution, comprised in the decree of the 13th of June of the current year.

ART. 3. The deputies of the constituent Congress of the State cannot be appointed either primary or secondary electors.

ART. 4. Primary, secondary and State juntas shall be holden for the election of deputy *proprietor* and supletory.

ART. 5. The primary meetings shall be holden on the third, and the secondary on the fourth Sunday of September next, and those of the State shall be holden in this capital on the third Sunday of October.

ART. 6. The primary meetings shall be presided over by the first Alcalde, or the person acting in his place, in the respective municipality; the secondary, by the first Alcalde, or the person acting in his stead, in the chief town of the district, and the third junta by the Governor of the State.

ART. 7. In all other respects, the meetings shall be holden according to the provision of the convocation law of the 17th of June, 1823, relative to the election of deputies to the general Congress.

ART. 8. The provision of the decree of the 4th instant shall be borne in mind, and observed in the State juntas.

For its fulfilment, the governor of the State *ad interim* shall cause it to be published and circulated.

Saltillo, August 28th, 1824.

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#### DECREE No. 8.

The constituent Congress of the State of Coahuila and Texas has thought proper to decree as follows:

1st. The constituent Congress of the State having been installed agreeably to the constitutive act, the political chief, and the deputation of Texas, have ceased in their functions, as has already taken place with respect to the authorities of the same class in Coahuila.

2d. Said authorities, on retiring, shall provide that their respective archives be delivered by a formal inventory, those of the political chief to the Governor of the State, and those of the deputation to the secretaries of Congress.

For the fulfilment thereof, the Governor of the State shall order it to be published and circulated.

Saltillo, August 28th, 1824.

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#### DECREE No. 9.

The Congress of the State of Coahuila and Texas, exercising the powers granted the same by articles 8 and 9 of the decree of the general Congress of the 4th instant, in compliance therewith, also with the 12th regulation, which the supreme executive transmits annexed to the same, has thought proper to decree as follows:

1st. A public session shall be holden on Sunday, the 24th instant, at which the constitution of this Republic shall be read entire, also the decree of the general Congress relative to the oath of observance thereof.

2d. On conclusion of the reading, the President of Congress, after taking the oath administered by one of the secretaries, shall administer the same to the deputies, and it shall be taken by all after the form of article eleven of the decree aforesaid.

3d. The Governor of the State shall then present himself in the hall of sessions, and take the same oath; and on conclusion of this act, the officers shall proceed to the parish church, where a solemn mass shall be said as an act of gratitude, and the authorities shall be present.

4th. These, and the other corporations, and officers of the State, of whatever class or rank, shall swear to observe the federal constitution of the Mexican Republic after the form aforesaid, and in the following terms:

5th. The Ayuntamiento, ecclesiastical authority, superiors attached to establishments for public business, and the prelate of the religious order of San Francisco of this capital, shall take the oath before the Governor of the State. Those elsewhere before the president of the constitutional Ayuntamiento, and their subordinates, before their respective superiors. Ecclesiastics present, in the capital, shall take the oath before the curate, and those of the religious order before their prelate.

6th. Presidents of Ayuntamientos, in other parts of the State, shall take the oath before said corporations, which, as also that of the capital, shall administer it to the people after the customary form.

7th. The chiefs, officers and privates of the militia of the State shall take the oath with their colors placed in front.

8th. The attested copies and certificates provided in the 13th article of the decree of the general Congress, and ordered by the 12th article of regulations of the supreme executive to be forwarded by duplicate to the department of relations, shall be transmitted by triplicate to the Governor, that due evidence may remain in his archives, whereof he shall give notice to Congress.

For its fulfilment, the Governor of the State *ad interim* shall cause it to be published and circulated.

Given at Saltillo, October 21st, 1824.

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DECREE No. 10.

The constituent Congress of the State of Coahuila and Texas has thought proper to decree as follows:

1st. That at the church festival on the morrow, and others which the Governor of the State shall attend from etiquette; he shall be received with the solemnities prescribed by the Roman Ritual and laws of the Indies for receiving patrons.

2d. That the attendance of the Governor in the parish church on the morrow, being the first entrance therein from ceremony, the solemnities provided for these occasions by the ritual and said laws, shall be observed in his reception.

For its fulfilment, the Governor *ad interim* of the State shall cause it to be published and circulated.

Given in Saltillo on the 23d of October, 1824.

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DECREE No. 11.

The Congress of the State of Coahuila and Texas has thought proper to decree the following:

1st. The Governor shall estimate, as nearly as practicable, the quantity of stamped paper of the different kinds required for the consumption of the state for the rest of the year, and for the whole of 1825,

and agreeably to the order of the national executive, issued by the Treasury Department, bearing date the 2d of November, he shall demand it of the officers where it is on hand, and where, by previous direction of the said executive, it was ordered to be retained.

2d. The same shall be received with the proper specified account, and agreeably to the requisition prescribed in the aforesaid order of the 2d of November.

3d. In pursuance thereof, that the same be legalized by the State, the Governor shall order a seal engraved, bearing the following inscription: *Legalized by the State of Coahuila and Texas for the two years term of 1824 and 1825.*

4th. For the sake of economy, and that all the towns of the State may be more readily supplied with the article, the agents of the tobacco establishments of this capital, and the city of Monclova, shall transact this business for the present; said agents, and others of the same class, remaining in charge of the direction and issue thereof, under the immediate inspection of Government; in all other respects, the law of the 6th of October, 1823, relative to stamped paper, shall be observed so far as it is applicable to the State.

5th. The revenue arising from stamped paper being one of the rents corresponding to the State, the Governor shall, from the 1st instant, apprise the agents employed in the offices to which the quantity on hand is remitted, that from the date aforesaid until its issue, legalized by the State, the proceeds of the sale thereof belong to the State; at the same time they shall keep an exact account of the value of the same, to shew what this branch produces to the State revenue.

6th. Notwithstanding there is known to be no official paper of the 4th stamp among the various kinds in this capital, for such use as the abovementioned law on the subject provides for that of this description, the Governor shall direct another stamp to be made, bearing the rubric *official*, to be impressed upon paper of the 4th stamp, on the part required.

7th. It being the duty of the Governor to attend to collecting the seals on completing the legalization of the paper, should there happen to be a deficiency in any of the different kinds, during the two years term of the issue thereof, the agents entrusted, with the concurrence of the first Alcalde, or the person officiating in his place in the town, shall legalize the quantity required, and they shall solicit the same for this object: the agent of Monclova shall give notice of the quantity he shall have legalized to supply any deficiency, until he can be furnished therewith.

8th. Until a new seal shall be engraved for drafts and receipts with the inscription and requisites provided in the 1st section of the aforesaid law of the general Congress, which the executive shall order to be executed as soon as possible, the latter shall demand of the agency of Monclova the quantity of that description required for supplying this capital and Parras.

For its fulfilment, the Governor of the State *ad interim* shall cause the same to be printed and circulated.

Given in Saltillo the 2d of October, 1824.

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DECREE No. 12.

The Congress of the State of Coahuila and Texas, in view of the official communication from the executive, wherein is copied the question proposed by the President of the Ayuntamiento of Monclova, relative to the change of offices on the ensuing election, has thought proper to decree as follows:

1st. As it is proper and beneficial to the towns of the State that, between the government and the inhabitants thereof, there should be such proportionality as is compatible with good order, and a more successful administration, the Ayuntamientos, as regards the number of their REGIDORES and SINDICOS, shall conform to art. 4, of the law of the 23d of May, 1812, and the provision of the article following of said law, shall be without effect—and in respect to the manner and form of their renewal, the same shall be effected according to the practice observed agreeably to the constitution and Spanish laws prior to the decree of the general Congress of the 27th of November, of the year last past, with the exception of Monclova and Bexar, where, on account of their having been capital towns, so many individuals, of those who have been longest in office, shall retire as to reduce the number left to one half of that which is to compose the Ayuntamiento ensuing.

2d. This decree shall be immediately circulated by the executive to all the towns of the State, in order that those which shall not have done so at the time of receiving it, shall conform to the same at the ensuing election.

For the fulfilment thereof, the Governor of the State *ad interim* shall cause it to be published and circulated.

Given in Saltillo on the 14th of December, 1824.

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DECREE No. 13.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ARTICLE 1. In that part of this State formerly known as the Province of Texas, a political authority shall be provisionally established, styled "Chief of Department of Texas."

ART. 2. The political government of the department shall be vested in the said chief, who shall be under proper subordination to the Governor of the State; pursuant thereto, it shall belong to his trust to watch over the public tranquility, good order, the security of the persons and property of the inhabitants thereof, to see to the execution of the laws and orders of the government, and generally to attend carefully to all that pertains to the public order and prosperity of the department. As he shall be responsible for abuse of his authority, so shall he be by all persons promptly respected and obeyed. He shall

not only have power to inflict, in his administrative capacity, the penalties imposed by the police laws and edicts for good government, but he shall also be authorized to impose and to exact fines of from one to one hundred dollars on those who do not obey and respect him, and of those who disturb the public order and tranquility.

ART. 3. In the cases aforesaid, he shall also have power to impose a correctional penalty of fifteen days in public works, or one month's arrest, according to circumstances, on persons incapable of meeting the fine.

ART. 4. In cases where the public good and safety of the department require the arrest of any person, he shall have power to issue orders to that effect, but upon the express terms, that within forty-eight hours he shall place the said person at the disposal of a competent tribunal or judge.

ART. 5. The local militia of the department shall be subject to his orders, and he shall attend to the organization and regulation thereof in conformity to the laws.

ART. 6. He can require of the military commandant such aid as he shall need, to preserve and to restore the tranquillity of the towns, and safety upon the roads.

ART. 7. He shall be careful to examine and to issue, either of himself or by his subordinates, according to the laws, the passports of all persons coming to or going from the department, including those arriving from or going to a foreign country.

ART. 8. He shall attend actively and efficiently to every thing that shall contribute to the safety of the coast, and give prompt notice to the government of whatever shall occur in that section deserving its attention, without failing to take provisionally, either of himself or by his subordinates, such precautions as he shall think necessary for its safety.

ART. 9. He shall take care, that in his department no individual shall appropriate to himself any land; and, with respect to those who have done so, he shall give circumstantial information thereof to government, that the same may take such measures as it shall deem necessary.

ART. 10. He shall form the census and a statistical account of his department, at as early a period as possible, and forward the same to the government.

ART. 11. The ordinary residence of the chief of the department shall be at the city of Bexar, unless imperious circumstances shall require his presence in other parts of the district under his command.

ART. 12. Said chief shall preside over the popular juntas, which, agreeably to the laws, require the attendance of the superior political authority. He shall also preside over the Ayuntamiento of the place where he resides; and when, from any cause, he shall be in another town of the Department, he shall have power to preside at the Ayuntamiento thereof, should he judge proper, but without having a vote in either, except the casting vote in case of a tie.

ART. 13. He shall preside at all the public festivals which the law requires him to attend, and officially only: the style of his address shall be that of Lordship.

ART. 14. He shall see that all the Ayuntamientos in the department discharge the obligations and trusts imposed upon them by the laws that are now, or shall be hereafter in force.

ART. 15. He shall be the sole channel of communication between the Ayuntamientos and the government, except in cases of complaint against himself, on the part of the Ayuntamientos, which can be made directly to the government. Moreover, he shall take care to circulate in all the departments the laws and decrees communicated to him by the executive, causing the same to be strictly observed.

ART. 16. Should any one, or more, of the members of the Ayuntamientos of his department fail to comply with their official or administrative duties, on having a justifiable cause, he shall have power to suspend the same, giving immediate notice thereof to the executive, with the respective record.

ART. 17. It shall be the duty of the chief of the department to take cognizance in applications and doubts that occur, with regard to determining upon official letters of the Ayuntamientos, which he shall decide executively, in an instructive manner, without a judicial contest or debate, according to the existing arrangements.

ART. 18. All administrative records, relative to complaints, doubts, or remonstrances, of the towns and individuals, shall be issued gratis in the department.

ART. 19. He shall inform the executive of the abuses he may observe in the administration of justice, and in that of the public rents of that department.

ART. 20. He shall also, through the medium of the Governor of the State, give notice to Congress, with the data to support the charge, of the infringements of the constitution he may observe in his department.

ART. 21. He shall not interfere in any subject of litigation, nor officiate as conciliator.

ART. 22. Said chief shall have a secretary, appointed by himself, and approved by the Governor, on whose proposal Congress shall determine the salary the said officer shall receive, and also the expense of the secretary's office.

ART. 23. The Governor of the State, with the knowledge of Congress, shall appoint the chief of department, and shall propose the salary that ought to be assigned the same.

ART. 24. The aforesaid chief, for the better discharge of his attributes, shall have power to employ his subordinates, and should he moreover think it necessary to have the assistance of another person, on account of the extent of his department, and the various places requiring his attention, he shall inform the Governor of his views on the subject, who shall communicate the same to Congress, that the latter may provide as shall be proper.

ART. 25. In case of sudden impossibility, or temporary inability on the part of the chief of department, the ex-Alcalde of the principal town shall officiate in his place until the executive provides as shall be expedient.

For the fulfilment thereof, the Governor *ad interim* of the state shall cause the same to be published and circulated.

Given at Saltillo the 1st of February, 1825.

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DECREE No. 14.

The Congress of the State of Coahuila and Texas, exercising the powers granted the States by the general Congress, in the decree of the 22d of December last, has thought proper to decree as follows:

A three per cent. duty of consumption shall, for the present, be established in the custom house of this capital, and the receiver's office of Parras only, upon foreign effects, upon the invoices made in the maritime custom houses at the time of the introduction thereof.

The Governor *ad interim* of the State, for the fulfilment thereof, shall cause the same to be published and circulated.

Given at Saltillo on the 15th of February, 1824.

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DECREE No. 15.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ARTICLE 1. In the different places to which it belongs, and where the same have not yet had their due and entire effect, the executive shall order the immediate fulfilment of the decree of the general Congress of the 9th of February, of the year last past, the provisions of the supreme executive of the 12th of the same month, and the regulations of the 8th of December last, relative to the new project and arrangement of the tobacco income.

ART. 2. Should there be no judges in this capital capable of duly attesting and classifying the various kinds of tobacco, the value of which has to be paid to the holders thereof, according to its class, the executive shall order that of the tobacco, which, on examination thereof for this sole object in the places where it is found to exist, shall prove to be profitable and fit for consumption, both crude and manufactured, the necessary quantity shall be forwarded to the manufactory of Mexico, that the same may be duly attested and classified, taking measures to prevent the transportation thereof being attended with unnecessary expense.

ART. 3. The executive, after being informed of the classification of the different kinds of tobacco, shall take care that the value thereof be punctually paid within such prudential term as he shall compute to be consistent with the different attentions of that branch of the revenue.

ART. 4. After the publication of this law in the chief towns of the districts, the sale and consumption of tobacco, crude and manufactured, shall be prohibited; in pursuance thereof the State alone can

hereafter expend and provide for the consumption thereof in the towns of the same; for which purpose a cigar manufactory shall be established in this capital, as soon as possible, for paper cigars and other kinds, with such offices as are absolutely necessary. The executive shall propose the number and class of the same, their salaries, shall frame suitable regulations; all of which he shall give notice to Congress for approval.

ART. 5. To put the manufactory in operation, and to give life and activity to the income, the executive shall contract a loan of the amount he shall deem necessary, on the most suitable basis and conditions; making to the contractor such proposals as are just, and capable of being punctually fulfilled, likewise admitting proposals of the same kind; for all which he shall have sufficient power.

ART. 6. During the interval, until the regulations specified in art. 4 are approved, he shall be likewise duly authorized to protect the financial concerns, and faithful management of the manufactory, taking all such measures as he shall deem seasonable and prudent, to have the purchasers of paper made at the most reasonable prices; but as this article is very dear at present, to compensate for the high price thereof, two cigars shall be deducted from each bunch, and in the places where the cigars are sold, it shall be expressly prohibited to exact any other tax from any cause, and on any pretense whatever.

ART. 7. As regards the organization of this rent, proper provision shall shortly be made in the plan for the provisional regulation of all the State rents, to be decreed by another law.

For the fulfilment thereof, the governor of the state *ad interim* shall cause the same to be published and circulated.

Given in Saltillo on the 19th of February, 1825.

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#### DECREE No. 16.

The constituted Congress of the State of Coahuila and Texas, desiring by every means to augment the settlement of its territory, to advance the raising and increase of stock, and the progress of the arts and commerce, in conformity with the constitutive act, the constitution of the Republic, and the basis established by decree No. 72, of the general Congress, has thought proper to decree the following,

#### COLONIZATION LAW:

ARTICLE 1. All foreigners who, in virtue of the general law of the 18th of August, 1824, which guarantees the security of their persons and property in this Republic, shall wish to emigrate to any of the settlements of the State of Coahuila and Texas, are permitted to do so; and the said State invites and calls them.

ART. 2. Those who shall thus emigrate, far from being molested, shall be admitted by the local authorities of said settlements, and permitted by the same freely to engage in any honest pursuit, provided

they respect the general laws of the Republic, and the laws of the State.

ART. 3. Any foreigner, already arrived in the State of Coahuila and Texas, who shall resolve to establish himself, and become domiciliated therein, shall make a declaration to that effect before the Ayuntamiento of the place he shall select as his residence, by which, in that case, he shall be sworn to obey the Federal and State Constitution, and to observe the religion prescribed in the former; and his name, and those of his family, if he have any, shall be registered in a book to be kept for the purpose, specifying the place he is from, his age, occupation; whether he is married, and that he has taken the oath prescribed, considering him henceforth, and not before, as domiciliated.

ART. 4. Any foreigner, from the time he is domiciliated agreeably to the foregoing article, shall be permitted to specify any vacant land, and it shall be the duty of the respective political authority to forward the instrument that shall be drawn to the executive for his approval, should he consider the applicant the same as the natives of the country, conforming to the existing laws on the subject.

ART. 5. Foreigners of any nation whatever, and natives of this republic, can project the formation of new towns upon lands entirely vacant; and, in the case of article 35, even upon those privately appropriated; but the new settlers, who present themselves to be admitted, shall prove, by certificate from the authorities of the place from which they came, their christianity and good moral character.

ART. 6. Foreigners, who shall arrive at a time when the general Congress shall have prohibited their entrance for the purpose of colonizing, as after the year 1840, the same will have power to do, or sooner with respect to those of some nations, shall then not be admitted; and those who shall apply within the proper time, shall always submit to such precautionary measures for the safety of the federation, with regard to themselves, as the supreme executive, without prejudicing the object of this law, shall adopt.

ART. 7. The executive shall take care that within twenty frontier leagues bordering on the United States line, and ten littoral leagues upon the coast of the Gulf of Mexico, within the limits of the State, no other settlements shall be made than such as shall meet the approbation of the executive of the Union, to whom all future petitions on the subject, accompanied by a corresponding report, shall be transmitted.

ART. 8. Projects for new settlements, wherein one or more persons shall offer to bring, at their own expense, one hundred families or more, shall be presented to the executive; who, on finding them in conformity to this law, shall admit the same, and immediately designate to the contractors the land whereon they shall establish themselves, and the term of six years, within which they shall present the number of families for which they contracted, under the penalty of losing the rights and privileges offered in their favor, in proportion to the number of families they shall fail to introduce, and of the contract becom-

ing absolutely null, should they not present one hundred families at the least.

ART. 9. Contracts made by the contractors or *empresarios* with the families which come at their expense, shall be guaranteed by this law, so far as they are in conformity with the provisions thereof.

ART. 10. In the distribution of lands, a preference shall be given to the military, in consideration of the patents issued them by the supreme executive entitling them to land, and to Mexican citizens not military, between whom no other distinction shall be made than such as is founded in their special merit and services rendered the country, or in equal circumstances, a residence in the place where the land is situated. The quantity, whereby the lands are to be distributed, shall be designated in the following articles:

ART. 11. A square of land measuring one league, consisting of five thousand varas on each side, or what is the same thing, a superficies containing twenty-five million varas, shall be called a sitio, and this shall be the unit for enumerating one, two or more sitios, in the same manner as one million square varas, or one thousand square varas on each side, which shall constitute a labor, shall be the unit for counting one, two or more labores. The vara for this measure shall consist of three geometrical feet.

ART. 12. Adopting the aforesaid unit as a standard, and observing the distinction to be made on distributing lands, between grazing lands or those suitable for stock raising, and irrigable tillage land, and that which is not irrigable, this law shall grant to the contractor or contractors for forming new settlements, five sitios of grazing land, and five labores, of which at least one half shall be land not irrigable, for every hundred families they shall introduce and establish in the State; but they shall receive this premium only for eight hundred families, although they should introduce more; and no fraction whatever, not completing one hundred, shall entitle them to a premium, not even proportionally.

ART. 13. Should any contractor or contractors, on account of the families they shall have introduced, be entitled, according to the foregoing article, to more than eleven square leagues of land, it shall be granted them, but they shall be obligated to alienate the excess within twelve years; and should they not, it shall be done by the respective political authority at public sale, delivering the proceeds to the owners thereof, after deducting the costs of sale.

ART. 14. One labor shall be granted to each family included in the contract, whose only occupation is the cultivation of the soil; and should the same also raise stock, grazing land shall be added to complete a sitio; and should the raising of stock be the exclusive occupation, the family shall receive a superficies of twenty-four million square varas, (being a sitio lacking one labor.)

ART. 15. Unmarried men shall receive the same quantity on marrying, and foreigners, who marry natives of the country, shall receive

one-fourth more; those who are entirely single, or who do not compose a part of any family, contenting themselves rather with the fourth part of the quantity aforesaid, which shall be computed to them on the assignment of their land.

ART. 16. Families and single men who, having emigrated separately and at their own expense, shall wish to annex themselves to any of the new settlements, can do so at all times, and the same quantity of land shall be respectively assigned them, as specified in the two foregoing articles; but should they do so within the first six years from the establishment of the settlement, one labor more shall be granted to families; and single men, instead of one-fourth, as specified in article 15, shall receive one-third.

ART. 17. It shall belong to the executive to increase the portions specified in articles 14, 15 and 16 in proportion to the family, industry and activity of the colonists, according to the separate reports upon the subject that shall be rendered by the Ayuntamientos and commissioners; always bearing in mind the provision of article 12th, of the decree of the general Congress on the subject.

ART. 18. Families that shall arrive conformably to the 16th article, shall present themselves forthwith to the political authority of the settlement they shall have selected; who, recognizing on their part the necessary conditions required by this law, shall admit the same, put them in possession of the lands to which they are entitled, and give notice immediately to the executive, that the same of himself, or through persons he shall commission for that purpose, may issue them their titles.

ART. 19. The Indians of all nations bordering on the State, as well as the wandering tribes within the same, shall be admitted in market exempt from all duties in their traffic in the effects of the country; and should any of the same, being attracted in this manner, and by the mildness and confidence with which they shall otherwise be treated, wish to establish themselves in any of the settlements, after declaring themselves in favor of our institutions and religion, they shall be admitted, and share the same quantity of land as the settlers specified in articles 14 and 15, always preferring native to foreign Indians.

ART. 20. That no vacancies be left between the tracts, which shall be carefully avoided in the distribution of lands; it shall be laid off in squares or other forms, although irregular, should the locality so require; and to prevent litigation and dispute in making the distribution aforesaid, as well as in the designation of sites, whereon new towns are to be founded, the adjoining proprietors, should there be any, shall be previously notified.

ART. 21. Should any appropriated land be taken possession of through error in concession, on proof thereof an equal quantity of land entirely vacant shall be granted to the person who obtained the same; and, moreover, he shall be indemnified by the owner of the land aforesaid, agreeably to a just estimate made by competent judges, and ac-

ording to the laws, for the expense he has incurred in the improvements that shall appear thereon.

ART. 22. The new settlers shall pay to the State, as an acknowledgement for each sitio of grazing land, thirty dollars; for each labor, not irrigable, two and a half; and for each that is irrigable, three and a half; and so on, proportionally, according to the class and quantity of land distributed to them; but the payment thereof need not be completed under six years from settlement, and in three instalments: the first in four, the second in five, and the third in six years, under a penalty of forfeiting the land for a failure in any of the said payments; the contractors and the military mentioned in article 10, shall be exempt from this payment; the former, as regards the lands granted them as a premium, and the latter, for that which they obtain agreeably to their patents.

ART. 23. The Ayuntamiento, each in its own limits, shall collect the aforesaid funds gratis, by a committee appointed from within, or without, their own body; and shall remit the same, as fast as collected, to the depositary or treasurer of their funds and means, who shall give the corresponding receipt, for no other compensation than two and a half per cent, which is all that shall be allowed him, and who shall hold the said funds at the disposal of the Executive, giving an account monthly of the amounts received and remitted, and of any remissness or fraud he shall observe in their collection. The treasurers and committees shall be held responsible with their property for their management, and moreover the individuals of the Ayuntamiento that shall appoint them; and, that this responsibility may at all times be effectual, the said appointments shall be made viva voce, and information thereof shall be immediately given to the executive.

ART. 24. The government shall sell to Mexicans, and to them only, the lands they shall wish to purchase, but shall take care that there shall not be united in the same hands more than eleven leagues, and subject to the condition, that the purchaser shall cultivate those he shall acquire by this title within six years from the acquisition, under the penalty of forfeiting the same. Allowing the aforesaid condition, the price of each sitio shall be one hundred dollars for grazing land; one hundred and fifty for tillage land not irrigable, and two hundred and fifty for irrigable tillage land.

ART. 25. Until the expiration of six years from the publication of this law, the legislature of the State can not alter the same in the provisions thereof, relative to the acknowledgement and the price that shall be paid for the lands, and the quantity and class, whereby the same shall be distributed to the new settlers, and sold to Mexicans.

ART. 26. It shall be understood that the new settlers who shall not, within six years from the date of their possession, have cultivated or occupied, agreeably to their class, the lands that shall be granted

them, have renounced the same; and the respective political authority shall immediately proceed to take back from them the lands and titles.

ART. 27. The contractors and the military, already mentioned in their turn, and those who have acquired lands by purchase can alienate the same at any time, provided the successor obligates himself to cultivate the same within the same term as was obligatory on the part of the original proprietor, likewise reckoning the term from the date of the primitive titles. The other settlers shall be authorized to alienate their land, when they shall have completed the cultivation thereof, and not before.

ART. 28. Every new settler, from the time of his settlement, shall be permitted to dispose of his land, although it shall not be cultivated, by testament made in conformity to the laws that are now, or shall hereafter be in force; and should he die intestate, his lawful heir or heirs, shall succeed him in the enjoyment of his rights and property, assuming in both cases the obligations and conditions incumbent on the respective grantee.

ART. 29. The lands acquired by virtue of this law shall not be held in mortmain by any title whatever.

ART. 30. New settlers, who shall resolve to leave the State, to establish themselves in a foreign country, shall be at liberty to do so with all their property, but after thus leaving, they shall no longer hold their land; and should they not have previously disposed of the same, or should not the alienation be in conformity to art. 27, it shall become entirely vacant.

ART. 31. Foreigners who shall have obtained land according to this law, and established themselves in the new settlements, shall, from that time, be considered naturalized in the country; and by marrying natives of the Republic, they shall possess a special merit for obtaining letters of citizenship of the State, saving what the constitution of the State, on either subject, shall provide.

ART. 32. During the first ten years from the time the new settlements are founded, the same shall be free from all taxes of whatever denomination, except such as shall be generally imposed to prevent or repel foreign invasion, neither shall the products and effects of agriculture and industry pay excise, or other kinds of impost, in any part of the State, except only the duties to which the following article refers; after the expiration of the aforesaid term, the new settlements shall be liable to the same burthens as the old, and the colonists the same as the other inhabitants of the State.

ART. 33. The new settlers, from the time of their establishment, shall be free to promote any kind of industry; they shall also be permitted to work mines of every description, agreeing with the national executive with respect to those that pertain to the national revenue, and subjecting themselves in working the others to the ordinances and duties that are now, or shall hereafter be established, with regard to the business of mining.

ART. 34. Towns shall be founded on such sites as the executive, or the person commissioned by him for that purpose, shall judge most appropriate; and four square leagues shall be designated for each, whose area may be regular or irregular as the locality shall require.

ART. 35. Should any of the sites aforesaid have been privately appropriated, and the establishment of the new towns thereon be of notorious general utility, they may be appropriated to this purpose notwithstanding, after such indemnification as in the opinion of the appraisers shall be just.

ART. 36. Building lots in the new towns shall be given gratis to the contractors thereof, and to all kinds of mechanics those they shall need for their workshops, and to other settlers they shall be sold after valuation thereof—they shall be sold at public auction, and the purchasers shall be obligated to pay the price of the same in three instalments, the first in six, the second in twelve, and the third in eighteen months. All the owners of lots, the contractors included, shall pay one dollar per annum for each lot, which, together with the proceeds of the sales aforesaid, shall be collected by the Ayuntamientos, and applied to the building of churches in the said towns.

ART. 37. The towns shall consist, as nearly as possible, of natives and foreigners; and in laying off the same, care shall be taken to have the streets well laid out and straight, running parallel north and south, and east and west, as nearly as the land shall permit.

ART. 38. For the better situation, and the regular formation of the new towns, and the exact division of lands and lots, the executive, pursuant to his admission of any project and agreement with the contractor or contractors who shall have presented the same, shall commission a person of intelligence and probity, giving him such instructions on the subject as he shall deem necessary and proper, and authorizing him, upon his own responsibility, to appoint one or more surveyors to execute the survey agreeably to the science, and perform such other agency as may offer.

ART. 39. The executive shall assign the commissioner his daily salary agreeably to the last fee bill for notaries of the ancient court of Oyer and Terminer of Mexico; and the latter, with the concurrence of the colonists, shall fix the surveyors fees; but the expense, in both cases, shall be paid by the colonists, and in the manner the parties shall agree.

ART. 40. As soon as forty families at least shall be collected, they shall proceed to the formal establishment of the new town, and shall all be sworn by the commissioner to support the Federal and State constitutions; they shall then, for this first occasion, the commissioner presiding, proceed to the election of their municipality.

ART. 41. A new town, containing two hundred inhabitants or more, shall elect an Ayuntamiento, should there be no other already established within eight leagues, in which case it shall be annexed to the latter. The number of individuals of which the Ayuntamiento shall consist, shall be regulated by the existing laws.

ART. 42. Foreigners shall be qualified to elect, and to be elected, members of their municipal juntas, reserving the provision that shall be made by the constitution of the State.

ART. 43. The municipal expenses, and all such as are deemed necessary, or for the public good in the new towns, shall be proposed to the executive by the respective Ayuntamiento through the channel of the political chief, accompanied by a plan of means which the said Ayuntamiento shall conceive to be just and proper for covering the said expenses; and should the plan proposed be approved by the executive, he shall order the same to be executed, subject, however, to the resolution of Congress, to whom it shall be immediately transmitted, with the report of the executive and that of the political chief thereon, who shall always state what occurs on the subject.

ART. 44. The executive shall send to the chief of department of Texas the individuals who shall be sentenced to fortresses as vagrants, and for other crimes, in the other parts of the State, for the purpose of opening and repairing roads, and for other public works in that department. The said criminals can be employed to work for private individuals for competent daily wages; and at the expiration of their punishment they shall be permitted to annex themselves to any of the new towns as colonists, and obtain the corresponding land, should they have reformed and become worthy in the opinion of the chief of department, without whose certificate, to that effect, they shall not be admitted.

ART. 45. The executive, in connection with the respective ordinary ecclesiastics, shall take care that the new towns are provided with a competent number of pastors; and, with the concurrence of the same authority, he shall propose to Congress the salary to be paid them by the new settlers.

ART. 46. In respect to the introduction of slaves, the new settlers shall subject themselves to the laws that are now, and shall be hereafter established on the subject.

ART. 47. The petitions pending, upon the object for which this law provides, shall be despatched according to the same, and for this purpose they shall be passed to the executive; and all families established in the State, without yet having land legally assigned them, shall conform to the said law, and to what the executive of the union shall direct, with respect to those who are within twenty leagues of the line of the United States of the North, and ten border leagues upon the coast of the Gulf of Mexico.

ART. 48. This law shall be published in all the towns of the State; and that the same may be known to the other States of the union, it shall be communicated to the respective legislatures thereof through the Secretary's office of this, and in compliance with article 161 of the federal constitution, the executive shall take special care to transmit a certified copy thereof to both chambers, and to the executive of the union, requesting him to give general circulation to the said law, through his ministers, to foreign powers.

For its fulfilment, the Governor of the State *ad interim* shall cause it to be published and circulated.

Given at Saltillo, March 24th, 1825.

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DECREE No. 17.

REGULATION OF THE SECRETARY'S OFFICE OF CONGRESS.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ARTICLE 1. The Secretary's office shall, for the present, consist of a superior officer, two clerks, and a porter; it being left to the judgment of the committee on police, with the concurrence of Congress, to increase the number of clerks or officers, as circumstances shall require.

ART. 2. The salaries of the said officers shall be as follows:

Superior Officer,	-	-	-	-	800
Clerks, (350 each)	-	-	-	-	700
Porter,	-	-	-	-	096
Office expenses	-	-	-	-	150

Total	-	-	-	-	1746 Dollars.
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ART. 3. The salaries aforesaid shall be paid by the Treasury of Congress, at the end of every month, to receipts of the persons interested.

ART. 4. All those who serve in the Secretary's office, shall comply with the orders given them by the Secretaries of Congress, on the dispatch of any subject they shall commit to their charge.

ART. 5. They shall also be obligated to observe secrecy in all business wherein they are so required by any of the Secretaries of Congress.

ART. 6. They shall write the reports of the committees as the chairman thereof shall direct, and also the propositions of those deputies who shall not choose to write them themselves.

ART. 7. Until the office of keeper of the archives shall be filled, the clerk supplying that place, with the knowledge of the superior officer, shall furnish the Secretaries of the committees, the deputies in particular, and the Secretary of the executive, all the documents or antecedents they shall call for to obtain information, or to elucidate the affairs under their direction; likewise, every citizen any paper, whatever be the nature and contents thereof, of the Secretary's office, he shall wish to read therein, except the secret papers; and in respect to the former, the clerk aforesaid, in a book destined to the purpose, shall keep an exact memorandum of the papers taken out and returned, or in progress, annexed to some record; and for due evidence thereof,

the Secretary of the committee, the particular Deputy, or the Secretary of the executive, and the Clerk acting as Keeper of the Archives, shall affix their rubrics to the parcels taken out and returned, and the latter shall not receive any more compensation for this service than that assigned to his situation.

ART. 8. On days of session, ordinary and extraordinary, they shall attend in the office from 8 o'clock in the morning until the hour of adjournment; and in the evening, from 4 o'clock until sunset, unless from some cause, in the judgment of the Secretaries of Congress, it shall be necessary to employ some hours of the night, when they shall remain as long as required.

ART. 9. On days when there is no session, they shall attend from 8 o'clock in the morning until 12; and in the evening, from 4 until sunset.

ART. 10. The Secretary of Congress, with information from the superior officer, shall distribute the business of the office among the clerks, and second and third officers, should there be any, according to their knowledge and qualifications.

ART. 11. During the recesses of Congress, should there be no business to be done in the Secretary's office, the superior officer shall pass to that of the executive, to continue his labor for the same salary, to be paid by the State Treasury. The Clerks and Porter may be employed by the Governor, or not; and should they be employed, their salaries shall be paid by the said Treasury.

For the fulfilment thereof, the Governor *ad interim* of the state shall cause the same to be published and circulated.

Given at Saltillo the 7th of July, 1825.

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## DECREE No. 18.

### CREATING JUDGES OF RESPONSIBILITY.

The Congress of the State of Coahuila and Texas, exercising the corresponding power for regulating, internally, whatever belongs to the better and more prompt administration of justice, and in consideration of the evils caused by some of the Judges, infringing the constitution and existing laws, by reason of the difficulty encountered in promptly and conveniently fulfilling the law of the 24th of March, 1823, which comprises the rules for exacting the proper responsibility in these cases, has thought proper to decree, and decrees:

ART. 1. All complaints against Judges, for infringing the constitution and existing laws by abuse of their authority, shall be directed to Congress, which, after the record is formed, and the decision of a committee from their own body is heard, shall declare whether there be a sufficient cause for action.

ART. 2. It having been declared that there is a just ground for action, Congress shall order the record to be forwarded to the competent Judge to be put in execution; and without this requisite, no Judge can be tried for the aforementioned crimes.

ART. 3. For the present, in cases presented, until the primary tribunal is organized in the State, the constitutional Alcaldes and Regidores officiating in legal turn, are constituted Judges of responsibility.

ART. 4. The said Judges can take cognizance, and, consulting a lawyer, proceed so far as to pronounce sentence; but the sentence can in no wise be executed without having been previously revised by the corresponding tribunal.

For the fulfilment thereof, the Governor of the State *ad interim* shall cause it to be published and circulated.

Given in Saltillo on the 14th of July, 1825.

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DECREE No. 19.

*Prescribing the prerogatives, attributes, and restrictions of the Governor, the appointment of his Council, powers of the latter, and those of the Secretary of the Executive.*

The Congress of the State of Coahuila and Texas, in order that the Executive and his Secretary of despatch have their attributes defined, and an established rule by which to be governed, and that the former may discharge his duties of office more successfully, aided by a council, whose respective powers shall also be prescribed, until the constitution is promulgated, has thought proper to decree as follows:

SECTION I.

PREROGATIVES OF THE GOVERNOR.

ART. 1. He shall have power for once only within ten days, after hearing the opinion of the Council, to make annotation on laws not of a constitutional character, dictated by the Congress of the State, suspending the publication and execution of the same until the said Congress shall resolve thereon.

ART. 2. He can propose to Congress, after advising with the Council, such laws and reforms as he shall deem conducive to the welfare of the State.

ART. 3. He can only be accused before Congress, during the term of his office, for whatever crime he may have committed during that period.

ART. 4. He can only be accused before Congress within one year from the time in which he went into office, for any crime committed during the term of his service; after the expiration of this period he cannot be accused for them.

ATTRIBUTES OF THE GOVERNOR.

ART. 5. He shall take care that the constitution, constitutive act, laws, and orders of the federation, and of the Congress of the State, are punctually fulfilled; issuing such decrees and orders as shall be necessary and proper for that effect, and transmitting to Congress copies of those he shall receive from the general Congress, and his excellency the President of the Republic, without impeding or retarding for this reason the publication thereof.

ART. 6. He shall form such instructions and regulations, for the better government of the departments of the public administration of the State, as he shall deem proper, after hearing the Council, and transmit the same to Congress for approval, without their being thereby prevented from being provisionally put in immediate execution.

ART. 7. He shall take care that public order and tranquillity be preserved within the State, and of its safety without; disposing of the militia of the State for both objects, and in default thereof he shall demand the aid of the garrison stationed within the same. In case of invasion or internal movement, endangering the safety of the State, he shall dictate whatever measures he shall deem proper for defense, and for the restoration of order; giving immediate notice to his excellency the President of the Republic, and to the Congress of the State.

ART. 8. He shall freely appoint and remove the Secretary of despatch; giving immediate notice to Congress, and to the people, and making known the sign manual of those newly appointed.

ART. 9. He shall supply all the officers of the State, of Executive and not of popular appointment, conforming to the provisions of the laws.

ART. 10. He shall, for the present, with the advice of the Council, exercise exclusive control in the provision, even of ecclesiastical officers of the State, according to the form to be prescribed by Congress in a separate decree.

ART. 11. He shall see that justice is promptly and efficiently administered by the tribunal of the State, and that the decisions of the same are executed. He cannot for this inspection, interfere in the examination of causes pending, neither can he, in any manner, dispose of the persons of defendants in criminal cases during the trial.

ART. 12. He shall take care of the administration and collection of all the State rents, and decree the disposition of their proceeds only in such expenditures as Congress shall approve; consulting the same in extraordinary expenses, unless they occur so imperious and pressing as not to allow time for the consultation, in which event the Governor

can dispose of the same himself, giving immediate notice to Congress for approval.

ART. 13. He shall have power, after hearing the opinion of the Council, to suspend from office, as long as three months, and deprive them of one half their salary for the same length of time, all public servants connected with the executive administration, and of his appointment, or approval, should they fail strictly to discharge their duties; and in cases where he considers a judicial process ought to be instituted against them, he shall communicate the facts of the case to the respective tribunal. For infringement of the constitution or law, a process shall always be instituted.

ART. 14. Should one or more, the whole or a majority, of the individuals composing the Ayuntamientos of the State abuse their powers, he shall have power, after hearing the Council, to suspend the same; making known to Congress the measure and motives thereof for the corresponding decision, and providing that the respective classes of the year preceding enter upon office in place of the persons suspended.

ART. 15. He shall take cognizance in appeals and doubts that occur in respect to elections, and in official letters of the Ayuntamientos, and shall decide thereon discretionarily in his executive capacity, and in an instructive manner, without judicial contest or debate. The power granted the Executive, by this and the preceding article, shall be understood as not affecting that which belongs to the Chief of the Department of Texas, in his respective district.

ART. 16. He shall see that the civic militia is modelled agreeably to the discipline prescribed, or to the provisions made by the general Congress in new regulations.

ART. 17. That the Governor may be duly respected and obeyed, upon those who do not respect and obey him he can impose fines discretionarily to the amount of three hundred dollars, to be applied to the revenue of the State, or to any branch of public utility.

ART. 18. He shall consult the Council on all important Executive affairs; all business, of whatever department, from which a general rule of good government may result, being understood to be of this description.

ART. 19. He shall see that the provisions of the 8th and 9th clauses of article 161 of the Constitution of the Republic is fulfilled; communicating to Congress a circumstantial and comprehensive notice of the particulars contained in the first of said clauses.

ART. 20. For any just reason, he can grant permission to the officers of the State, belonging to any branch of the Executive administration, to retire from their duties for a time not exceeding two months. Should the leave of absence be for a longer time, he shall grant the same with the concurrence of the Council.

ART. 21. He can appoint a public speaker from within or without the Council, to exercise the voice of the Executive in the case of ar-

ticles 1, 2 and 6; and, when Congress shall think proper, the same shall be present only at the debate.

ART. 22. He shall make use of his entire sign manual in communications with the high national and State authorities, with those of the other States, in the promulgation of the laws, and in commissions he shall extend to the officers. Otherwise, he shall use his partial sign manual.

ART. 23. Until the respective subordinate authorities are established, to whose charge the political and economical administration shall be committed from and after the sessions in which it shall be thought proper to divide the territory of the State, the Governor shall exercise all those powers which, according to the law of the 23d of June, 1813, were exercised by the political chiefs of provincial deputations in the ancient form of government, so far as the same are not opposed to that recently adopted, and to the provision of this decree.

ART. 24. The Governor shall preside over all the civil authorities of the State during public ceremonies. His style of dress shall be that of his excellency, as heretofore provided, in official communications; and, on religious festivals, he shall be received with the etiquette prescribed by decree of the 23d of October, 1824, until the general Congress shall regulate the exercise of the right of conferring benefice, (being that of Patrons) throughout the Republic.

#### RESTRICTION OF THE POWERS OF THE GOVERNOR.

ART. 25. He cannot command the local militia of the State in person, without the express consent of Congress.

ART. 26. The Governor cannot deprive any individual of his liberty, nor, of his own authority, impose corporal punishment; but when the safety and welfare of the State require the arrest of any person, he can issue orders to that effect, on condition, that within forty-eight hours he shall place the persons arrested at the disposal of a competent tribunal or judge, manifesting at the same time, in writing, the cause of the arrest.

ART. 27. He cannot take possession of the property of any private individual, or corporation, or disturb the same in the peaceful possession, use, and benefit thereof; and should it, in any case, be necessary for an object of known public utility to take the property of a private individual or corporation, he cannot do it unless with the concurrence of the Council, and in all cases he shall indemnify the party interested, agreeably to the decision of appraisers to be chosen by the Executive and the said party.

ART. 28. He cannot impede elections, determined or that shall be appointed by the laws, nor can he prevent the same from having their due and entire effect.

ART. 29. He cannot leave the capital, to go to any part of the State, for a longer time than one month. Should he need a longer

time, or should he be under the necessity of leaving the State, he shall apply to Congress for permission.

SECTION II.

*Appointment of the Executive Council and attributes of the same.*

ART. 30. For the better discharge of the duties of his office, until the Constitution is promulgated, the Governor shall have a body for aid and advice, to be styled Council of the Executive; and the style of address of the same shall be that of his Excellency. The same shall consist of the vice Governor and four other individuals, of whom one only can be a clergyman.

ART. 31. The appointment of all the members of the Council shall be made by Congress by absolute majority of votes, and by secret inquiry. Service in this body, by the citizens appointed, shall be laudable in the State, and shall be regarded in the light of a municipal office, which no one can decline without a legal and satisfactory impediment in the judgment of Congress.

ART. 32. To be a member of the Council, it is required to be a citizen in the enjoyment of his rights, over twenty-five years of age, known to be in favor of the form of government adopted, and for this time only domiciliated in this capital, or its environs within six leagues thereof, to avoid the serious injury resulting to the citizens of the other towns, should they be obliged to come to discharge the duties of stations, for the present served in the light of municipal offices.

ART. 33. The Vice Governor shall preside over the Council; and in his default, the first member in the order of appointment: but the Governor, when he attends, shall preside, without having a vote.

ART. 34. The Council shall hold ordinary sessions on the days appointed in the internal regulations thereof; also, extraordinary, whenever the Governor shall request, or the said Council agree thereon.

ART. 35. Both shall be holden in a hall of the capitol, appropriated to that purpose, with open doors; unless, in the judgment of the Governor or the Council, the subject be of a secret nature.

ART. 36. The Secretary of the Council shall be one of the members thereof, and appointed by the same.

ART. 37. The attributes of the Council shall be as follows:

1. To render a written report to the Governor on all affairs, wherein he is required by law to demand the same; likewise on all others, wherein he shall think proper to consult the Council, in order to devise a proper course of action.

2. To attend carefully to the observance of the Constitution, constitutive act, and laws of the union, as well as the laws of the State, forming records on any infringements noticed by the same, and giving notice therewith to Congress, through the channel of the Governor, unless it be against himself, or his Secretary.

3. To promote the establishment of, and give activity to, all the branches of prosperity in the State; proposing to the Executive or to Congress, as the case may be, all those measures and projects the Council shall deem most effectual to augment the population, promote and give activity to agriculture, industry, commerce, public instruction and whatever may conduce to the general utility of the State, for which purpose any of the members shall have power to claim the attention of the Council.

4. To propose ternary numbers, in cases required by law, for supplying offices, accompanied by a brief statement of the merits of the persons proposed.

5. To make remarks upon the accounts of the Ayuntamientos and those of the several administrations or agencies of all branches, the products whereof enter the general State Treasury, also those of Congress, which shall be sent to the accountant's office of the Council, through the channel of the Executive, to be revised and commented upon when they shall be presented, accompanied always by information from the Executive, to Congress for approval.

ART. 38. The Council, on proposing to Congress, in virtue of the third attribute, projects of public utility, shall have power to appoint one of its own number to attend the discussion, and afford all possible information to enable that body to come to a just and correct decision thereon.

ART. 39. The Council shall be responsible for all acts relating to the exercise of its attributes.

ART. 40. The Office of the Secretary of the Council shall be divided into two departments, one for Executive business, and one for accounts. The former shall consist of an officer, whose salary shall be five hundred dollars per annum, appointed by the Governor on a nomination of three persons by the Council; and of a Clerk, whose salary shall be three hundred dollars; to be appointed and removed at the pleasure of the Secretary of the Council. The department of accounts shall also consist of an officer and a Clerk; appointed and remunerated in the same manner as the former.

ART. 41. The project specified in the preceding article of offices and salaries thereof, of which the Secretary's office is to consist, shall be understood as provisional, until experience and the course of business shall give the proper light for the final regulation thereof.

ART. 42. The Secretary of the Council shall form rules of economy for the administration of his office, and present the same to the Council, who shall pass the same to the Executive, accompanied by their report, to be presented with the decision of the latter to Congress for approval. During the interval, they can be provisionally adopted, should the Governor think proper.

ART. 43. The members of the Council cannot leave the capital without licence from the Executive, who shall have power to grant the same for two months. Should a longer time be required, or should

they be under the necessity of leaving the State, they shall solicit permission from Congress.

ART. 44. The Vice Governor, and other members of the Council, shall present themselves in the hall of sessions of Congress on a day appointed, and take oath to obey the Constitution, the constitutive act, and the laws and decrees of the Republic, and those of the State, and faithfully to discharge the duties of their office.

ART. 45. The Council, in attending on public ceremonies, shall rank next to the Governor.

### SECTION III.

#### SECRETARY OF STATE.

ART. 46. The Governor shall have a Secretary, to be styled Secretary of State, who shall have charge of all kinds of business whatever, pertaining to the Executive department of the State.

ART. 47. To fill the said office it shall be required, to be a citizen in the exercise of his rights, over twenty-five years of age, a native of the Republic, domiciliated in the State with three years residence therein previous to his appointment.

ART. 48. The style of address of the Secretary in official communications, shall be that of Lordship, and he shall be considered the head of his office; wherein he shall appoint and remove the Clerks at his pleasure; whose number and salaries shall be changed as the labors and their qualifications, in the opinion of the Secretary, with approval of the Governor, shall require.

ART. 49. All orders and decrees, regulations and instructions, circulated to the towns, or directed to a particular individual or corporation, shall be previously signed by the Secretary, and without this requisite they shall not be obeyed.

ART. 50. The Secretary of State shall be responsible to Congress, with his person and office, for all orders and measures of the Governor, which he shall authenticate with his signature, containing any disposition contrary to the Constitution, constitutive act, and general laws of the Republic, or the laws of the State, or the orders of his Excellency the President of the Republic, not manifestly opposed to the said Constitution and laws, without availing himself, as a plea or excuse, of his having done so by order of the Governor.

ART. 51. The Secretary shall sign every copy emanating from the office under his charge, and shall present to the Governor, monthly, a circumstantial notice of the number of subjects dispatched in the said office, to be printed and circulated.

ART. 52. The Secretary shall attend the sessions of Congress when called upon to give information upon any subject of the Executive department, and when ordered by the Governor, to give any information. In the latter case he can also attend the Council.

ART. 53. The orders of government, and all communications issuing from the Secretary's office, printed or in manuscript, shall bear upon the top of the left margin the government seal, which shall also be stamped on the wrapper.

ART. 54. The seal shall contain, within the figure of an elipse, the eagle upon a nopal, crowned with the cap of liberty, with lines diverging therefrom, representing rays of light; the border of the oval bearing the following inscription: "Executive Department of the State of Coahuila and Texas."

ART. 55. The Secretary shall form a set of internal regulations for his office, and present the same to the Governor, who shall pass the same, accompanied by his report, to Congress for examination and approval; directing that during the interval the regulations be observed, as revised by himself.

ART. 56. In attendance on public occasions the Secretary shall take his place after the officers.

For its fulfilment, the Governor of the State *ad interim* shall cause it to be printed, published and circulated.

Given in Saltillo, August 25th, 1825.

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DECREE No, 20.

*Appointment of Vice Governor and voters of the Executive Council.*

The Congress of the State of Coahuila and Texas, having proceeded, pursuant to the provision of section 2d of Decree No. 19 of the 25th instant, to the appointment of a Vice Governor and other members, who are to compose the Executive Council of the State, has thought proper to decree as follows:

ART. 1. Jose Ignacio de Arispe, having received the absolute majority of the votes of Congress for that office is elected Vice Governor of the State *pro tem*.

ART. 2. Juan de Goribar, Jose Ignacio Sanches, presbyter, Jose Ignacio Alcocer, and Jose Ignacio de Cordenas, licentiate, having received the absolute majority of the votes of Congress, are elected Executive Councillors of the State, and shall severally be eldest in office according to the order of their appointment.

ART. 3. Said officers shall present themselves to Congress at 12 o'clock on the morrow, to take the oath specified in article 44, of Decree No. 19, aforesaid.

ART. 4. The style of address of the Vice Governor, as President of the Council, shall be that of his Excellency; and that of the Councillors of Lordship, in official communications only.

ART. 5. The Governor is authorized to furnish all necessary expense to provide a hall, for the Council to hold their sessions, in a style

corresponding to their rank, and consistent with the condition of he treasury.

ART. 6. The Governor shall appoint a day for the installation of the Council, which he shall attend, to give greater solemnity to the act, giving previous notice to Congress thereof.

For the fulfilment thereof, the Governor of the State pro tem shall cause the same to be published and circulated.

Given in Saltillo on the 31st of August, 1825.

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DECREE No. 21.

*Extraordinary powers of the Governor of the State pro tem.*

The Congress of the State of Coahuila and Texas, reflecting that the persons who excite commotion and disorder under various pretexts will resort to seduction, deceit, and artifice of every kind, to subvert the present form of government, commencing by offenses committed against the highest authorities of the State; also, desiring at the same time to take proper measures to preserve order, and to save the State from the evils of anarchy that would result from the dissolution of the highest powers, has thought proper to decree as follows:

The Governor of the State pro tem. is invested with extraordinary administrative powers, and without subjection to legal forms, to arrest those persons without distinction of rights of law, against whom there may be in his opinion a strong suspicion that they will attempt to disturb the public tranquility, under whatever pretext; and also to destine the said persons, for a time not exceeding three months, to such places in the State as he shall think most proper for the preservation of order; independent of the process he shall order to be instituted against them according to the existing laws, in the places to which they are destined; unless they are of the military, in which case, on being apprehended, they shall be delivered over to their respective commanders.

For its fulfilment, the Governor of the State pro tem. shall cause it to be printed and circulated.

Given in Saltillo on the 26th of February, 1826.

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DECREE No. 22.

*Restoring and preserving the public tranquility in the State.*

The Congress of the State of Coahuila and Texas, satisfied that it is their principal duty to use their utmost efforts, and take all possible

measures for the public safety, and that all necessary means should be exercised to restore and strengthen the confidence of the people in their representatives and others who from duty contribute to the maintenance of order, has thought proper to decree:

ART. 1. Every public functionary elected by the people, directly or indirectly, or appointed and approved by the government, who shall have signed, or in any evident manner supported the turbulent and subversive pretensions, attacking the State Sovereignty, that have been directed to Congress, and exist in the original in the Executive Department, unless it shall appear by some official document that the same withheld his vote, shall be immediately suspended in the exercise of his functions.

ART. 2. Every Ecclesiastical judge who shall have signed the same addresses, shall likewise be suspended in the exercise of his attributes, notice being previously given to whom it belongs to appoint another to act in his place until the former shall have vindicated himself, agreeably to the laws.

ART. 3. Should any Curate be thus implicated, notice shall be given to the respective Ecclesiastical Judge to suspend him in his functions, and appoint a coadjutor or substitute, whose virtues are publicly known, to discharge his sacerdotal duties.

ART. 4. Every professor of science, acting by legal authority, who shall have signed the aforesaid memorials, shall be suspended in the exercise of his profession within the State.

ART. 5. The provision of the foregoing articles shall in nowise impede the process that shall be instituted, according to law, against all persons comprised therein.

ART. 6. Others, who shall have signed the aforesaid documents, shall not hold the Ayuntamental offices, which in virtue of the provision of Art. 1, it should be necessary to refill; neither shall they exercise a vote in the elections that offer for that object. This measure shall in nowise impede the process that shall be instituted against them should they have deserved it by a more censurable conduct in the affair.

For its fulfilment, the Vice Governor of the State pro tem. shall cause it to be published and circulated.

Given in Saltillo on the 11th March, 1826.

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DECREE No. 23.

*AMNESTY.*

The Congress of the State of Coahuila and Texas, desirous that the disagreeable occurrences that have caused so much convulsion in the State, threatening the public safety, should be entirely forgotten: occurrences which have compelled the high authorities, against their

lenient and moderate principles, to adopt strong measures—and the said Congress witnessing with indescribable pleasure that the imperious circumstances which compelled them to devise all the means of justice in compliance with the first and most sacred of laws—and since obvious motives for the public welfare impel the said Congress to exercise the most liberal clemency, which is the most noble attribute, and the most adorning prerogative of Sovereignty, pursuant to all herein manifested, has thought proper to decree as follows:

ART. 1. The political events which compelled the high authorities of the State to dictate measures within the sphere of their attributes and considered to be imperiously demanded for the preservation of the public order and tranquility of the State, shall be entirely forgotten;—and in future, under no pretence, shall the said events ever be imputed to the authors thereof, in whatever manner implicated therein.

ART. 2. In pursuance thereof, all persons absent from their homes, destined to any part of the State by the Executive in exercise of the extraordinary powers granted him by Decree No. 21, and against whom a process has been instituted in compliance with the said decree, shall be immediately set at liberty, and the Executive shall direct that they be assisted out of the State treasury with an amount, which he shall judge sufficient, according to the distance and their rank, to enable them to return to the bosom of their families.

ART. 3. Those persons against whom judicial processes have, or should have been instituted in compliance with Decree No. 22, and the order of the 11th of March last, and who are consequently imprisoned or under arrest; and, being public functionaries, suspended from their stations, shall also be set at liberty, and the latter restored to the full exercise of their respective functions.

ART. 4. In future, neither the like pardon nor any other grace shall be extended to those who shall, directly or indirectly, promote anarchy, attacking, under any pretence, the high authorities of the State; on the contrary, they shall be judged and punished with all the rigor and severity of the laws; as shall be done forthwith with respect to those who shall disdain the most ample and liberal amnesty granted by this decree, proceeding in their cases in strict conformity with the said laws, and with all the promptitude and energy required by the tenor thereof, to which the Governor shall carefully attend.

ART. 5. Pursuant to the provision of the foregoing articles, the decree No. 42 is hereby repealed; and since the difficult and delicate circumstances, which gave rise to the extraordinary powers granted the Executive by decree No. 21, have happily so far changed that the said powers are considered to be no longer necessary for the preserva-

tion of the public order and tranquility, for which object they were granted, the aforesaid decree No. 21 is likewise revoked.

For the fulfilment thereof, the Governor of the State pro tem. shall cause it to be printed, published, and circulated.

Given in Saltillo on the 27th of March, 1826.

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DECREE NO. 24.

*Convocation Law for the election of Representatives to the General Congress.*

The Congress of the State of Coahuila and Texas, authorized by article 9th of the Constitution of the Republic to determine, agreeably thereto, the qualifications of the electors, and to regulate the election of Representatives to the General Congress, to be holden, agreeably to the said Constitution, on the first Sunday of October next—and as the shortness of the time does not permit the same to be performed in the manner prescribed in the first part of the Constitution of the State, already presented by the committee appointed to model the same, because it has not yet been sanctioned—neither is it possible at the moment to do away the difficulties connected with the first establishment thereof in a new form of government—and besides on the other hand it will be easy to follow the method of former elections, with which the people are practically acquainted—said Congress has thought proper to decree, that, for this time only, the elections be holden agreeably to the following

*LAW OF CONVOCATION:*

JUNTAS IN GENERAL.

ART. 1. For the election of Deputies, primary and secondary juntas, and a general State junta, shall be holden.

ART. 2. On Sunday the 25th of August next, the President of each Ayuntamiento of the State shall, by edict, or as the custom may be, convoke the citizens of the district to assemble at the primary juntas.

ART. 2. The said meetings, and the others, shall be preceded by public prayer in all the Parish Churches of the State, for which object seasonable notice shall be given to whom it belongs.

PRIMARY MUNICIPAL JUNTAS.

ART. 4. Primary juntas shall be composed of all lawful citizens,

domiciliated and residing within the limits of the respective Ayuntamientos.

ART. 5. All freemen, born within the limits of the Republic of Mexico,—all those who, domiciliated therein, have acquired this and other rights by the treaties of Iguala and Cordova,—those who have acquired letters of citizenship, provided they combine the conditions required by this law, shall have the right of suffrage in popular juntas.

ART. 6. Those who have been sentenced to corporal or disgraceful punishment, shall not have the right of suffrage, unless re-instated by law in said right.

ART. 7. The right of suffrage shall be suspended, on the corresponding judicial testimony, in case of moral and physical inability—of minors, but married men of any age shall have the said right,—in case of debt to the public funds, due, and payment having been demanded—and in case of not having a domicil, employment, trade, or known way of support,—also of those under criminal prosecution.

ART. 8. Primary meetings shall be holden in all towns, whose population amounts to five hundred souls; and, in those which have no Ayuntamiento, the regidor, whom the Ayuntamiento of the chief town of the same district shall appoint, shall preside.

ART. 9. Towns not containing five hundred inhabitants, also haciendas and ranchos, whatever be the population thereof, in elections, shall appertain to the nearest junta.

ART. 10. The Ayuntamientos, for assistance in keeping the census of the municipalities, shall avail themselves of the parish lists.

ART. 11. All towns, in order to facilitate the elections, whether those made by themselves or in connexion with their district, shall be divided into such number of sections as the Ayuntamientos shall consider sufficient. At the junta of each, the number of electors corresponding to the respective population thereof, shall be chosen.

ART. 12. The choice of electors in the sections can devolve on citizens of every section.

ART. 13. Should a citizen be chosen in two or more sections, the election of that wherein he resides shall be preferred: and for the other sections, the citizens who shall have the next highest number of votes shall be elected.

ART. 14. Should a citizen, chosen elector, not be a resident in any of the sections by which he was chosen, the election of that wherein he received the most votes shall avail.

ART. 15. The primary juntas shall be holden on Sunday, the 27th of the aforementioned month of August.

ART. 16. They shall be presided by the President of the respective Ayuntamientos,—and should the town be divided into sections, the junta of one shall be presided by the said President, and the rest by the other Alcaldes and Regidores, according to the order of their appointment.

ART. 17. The citizens having convened in the most public place on the day appointed, shall choose a secretary and two tellers, who can read and write, from among those present.

ART. 18. The meeting being thus installed, the President shall ask whether any one has any complaint to make with regard to bribery or subornation to cause the election of any particular person, and should there be such complaint, the case shall be verbally and publicly investigated instanter. Should the charge be substantiated the offender shall be deprived of a voice, active and passive; false accusers shall suffer the same penalty, and from this decision there shall be no appeal.

ART. 19. Should doubts arise whether any person possesses the qualifications required for voting, the junta shall decide instanter, and the decision shall be obeyed without appeal for this time only; it being understood the doubt can have no relation to the provision of this or any other law.

ART. 20. The President shall abstain from making any indication that the election may result in favor of any particular person.

ART. 21. The junta shall proceed to make choice of primary electors, choosing one for every hundred voters, or for every five hundred souls.

ART. 22. Should the census give a moiety over and above the basis aforesaid, another elector shall be chosen; but should the excess not amount to a moiety, it shall not be regarded.

ART. 23. Each voter shall approach the table and specify such number of persons for electors as it belongs to that junta to choose.—The secretary shall write the names of the said persons in his presence and no person shall be allowed to vote for himself in this or the other elections, under penalty of loosing his right for the time being.

ART. 24. Should the voter produce a list of persons for whom he intends to vote, the secretary shall read to him the same, and ask him if it be in conformity with what is expressed therein, and if not, it shall be corrected.

ART. 25. The votes having been given in, the President, tellers, and secretary shall examine the lists, and the President shall declare in an audible voice the names of the persons elected, who shall be those who have received the greatest number of votes; in case of a tie, it shall be decided by lot.

ART. 26. The secretary shall commit the act to writing, and shall sign the same together with the President and tellers; a copy, signed by the same persons, shall be delivered to each person chosen, to serve as a proof of his election.

ART. 27. To be eligible as an elector, it is required to be a lawful citizen, over twenty-five years of age, or twenty-one if married, domiciliated and a resident in the municipality; not to hold any office of controversy, civil, ecclesiastical or military, or the office of curate.

ART. 28. Officers chosen by the people, as Alcaldes, are not included in the foregoing article.

ART. 29. No person can decline the office of elector from any cause, or on any pretext whatever.

ART. 30. At the juntas no person shall appear armed, neither shall there be any guard.

ART. 31. The election having closed, the junta shall be immediately dissolved, and any other act, in which they interfere, shall be null.

SECONDARY OR DISTRICT JUNTAS.

ART. 32. Secondary or district juntas shall be composed of primary electors, assembled in the chief towns of the district to choose electors who are to elect the representatives in this capital. The Department of Texas for this object shall be considered as one sole district, whose chief town or capital shall be that of the Department, being the city of Bexar.

ART. 33. The secondary juntas shall be holden on Sunday, the 10th of September next.

ART. 34. One secondary shall be elected for every twenty primary electors that shall be chosen in all the towns of the district.

ART. 35. Should there be a moiety over and above twenty primary electors, another secondary shall be chosen; but should the excess not amount to a moiety it shall not be regarded.

ART. 36. Should any town of the district not have furnished twenty primary electors, a secondary shall be chosen notwithstanding.

ART. 37. At the secondary juntas the President of the capital of the district shall preside, to whom the primary electors shall present themselves with the document proving their election, that their names may be set down in the book in which the acts of the juntas are to be written.

ART. 38. Three days previous to the elections the electors shall meet the President at the place he may appoint, and they shall choose a secretary and two tellers from among themselves.

ART. 39. They shall then present their certificates of election to be examined by the secretary and tellers, who, on the day following, shall inform whether the same be according to law. Those of the secretary and tellers shall be examined by three individuals of the junta, chosen by the same majority of vote, who shall inform in like manner and at the same time.

ART. 40. On the day aforesaid, the electors having assembled, the reports upon the certificates shall be read, and should any question arise with regard to the qualifications required, the junta shall resolve instantly, and the decision shall be obeyed without appeal.

ART. 41. On the day and hour appointed for the election the electors shall again convene, and, taking their seats without distinction, the secretary shall read the articles signed by the secondary juntas, and the

President shall make the inquiry contained in article 18, the provision whereof shall be obeyed.

ART. 42. The primary electors shall immediately choose the secondary, one by one, by private ballot.

ART. 43. The votes having been given in, the President, secretary, and tellers shall examine the same; the person having more than one half the votes shall be elected, and the President shall declare each election. Should no one receive the absolute majority of votes, the two having the highest number shall be run in the second balloting, and the one who receives the majority shall be elected. In case of a tie it shall be determined by lot.

ART. 44. To be eligible as an elector it shall be required to be a lawful citizen, over twenty-five years of age, having a domicile and residence of one year in the district—to hold no office of controversy, civil, ecclesiastical or military, or the office of curate in the district. The election can devolve on individuals of the junta, or others, provided they belong to the State, laymen or of the secular order; a person shall be considered a resident in the district who continues his domicile therein, and is himself in another; provided he can join the general junta in the capital.

ART. 45. The time of residence, as provided in the preceding article, shall not be required of the military.

ART. 46. The secretary shall commit the act to writing and, together with the President and tellers, sign the same; a copy thereof, signed by the same persons, shall be given to each elector to serve as a certificate of his election; the President shall transmit a copy likewise authenticated to the Governor, and in his default to the Vice Governor of the State, by whom it shall be published by ordinance posted in the most public places.

ART. 47. The provision made for the primary elections in articles 20, 28, 29, 30, and 31, shall also be observed in the secondary.

#### STATE JUNTA.

ART. 48. The general junta of the State shall be composed of the secondary electors of all the districts, assembled in this capital for the purpose of electing deputies to the Chamber of Representatives in the general Congress.

ART. 49. The said junta shall be holden on the first Sunday in October next, in conformity to article 16th of the Constitution of the Republic.

ART. 50. The Governor of the State shall preside the same, and in his default the Vice Governor, to whom the electors shall present themselves with their credentials, that their names may be written down in a book, wherein the acts of the junta shall be committed to writing.

ART. 51. Three days previous to the election, the electors shall meet with the Governor or Vice Governor, as the case may be, at the

place appointed, with open doors, and they shall appoint, by majority of vote, a secretary and two tellers from among themselves.

ART. 52. This decree, the credentials, also the authenticated record of the acts and the elections holden in the chief towns of the districts, shall be read; the secretary and tellers shall examine the same, and report on the day following whether the whole be according to law—the credentials of the latter shall be examined by three individuals of the junta, chosen by majority of votes, who shall report in like manner and on the same day.

ART. 53. The electors having assembled on the day aforesaid, the reports shall be read, and should any doubt appear upon the credentials or certificates, or the qualifications of the electors, the junta shall decide instantler, and the resolution shall be obeyed without appeal.

ART. 54. On the day appointed for the election, the electors having assembled and seated themselves without distinction, with open doors, the President shall make the inquiry as specified in article 18, the entire provision whereof shall be obeyed.

ART. 55. The electors shall then choose the deputy by ballot.

ART. 56. The votes having been given in, the President, secretary, and tellers shall examine the same, and the person receiving the absolute majority shall be declared elected; should no one receive such majority, the two having the highest number shall be elected. Should there be a tie it shall be decided by lot.

ART. 57. After the election of deputy proprietor, the deputy supletory shall be elected in the same manner.

ART. 58. In conformity to articles 11, 12, and 13 of the Constitution of the Republic, it belongs to the State to elect one deputy proprietor and one supletory.

ART. 59. The said Deputies shall possess the qualifications required by articles 19, 20, and 21 of the Constitution aforesaid, and those excepted by article 23 therein, cannot be elected.

ART. 60. The secretary shall commit the act of the elections to writing, and, together with the President and the electors, sign the same; and the President shall cause a list of the deputies elected, signed by himself and the secretary, to be published, and shall transmit a copy to each of the towns of the State.

ART. 61. The election of the aforementioned deputies having closed, the junta shall make the proper arrangements for complying with the provisions of article 17 of the Constitution of the Republic.

ART. 62. In the State junta the articles 20, 28, 29, 30 and 31, shall be obeyed.

For its fulfilment, the Vice Governor of the State, ad interim, shall cause it to be published and circulated.

Given in Saltillo on the 28th of July, 1826.

## DECREE No. 25.

The Congress of the State of Coahuila and Texas, in compliance with the general law of August 24, and in exercise of the power granted thereby to the same for replacing the companies of permanent Cavalry which ought to exist in the State, decrees:

ART. 1. The Governor of the State shall demand of the chief political officers, and the latter of their immediate subordinates, the number required to complete the necessary force of the fortress companies of permanent cavalry, destined to the defence of the State, according to the general law of March last.

ART. 2. The Executive, and each of the said chief officers in their turn, shall make an allotment of the aforementioned number among the respective districts in proportion to the population, manifesting to their subordinates the obligation and responsibility they are under of shewing that the allotments are filled within the time specified, and taking care that in the same as little injury as possible shall be occasioned to agriculture, mining, and the arts.

ART. 3. In order to comply with the provision of article 7 of the aforementioned law of the 24th of August, the number of recruits to be enrolled in order to fulfill the future basis of the said fortress companies, shall be repeated in the terms therein specified.

ART. 4. The Ayuntamientos, with the assistance of armed force should it be necessary, shall proceed to make levies, and to take from among the same the individuals required to complete the number assigned.

ART. 5. The levies having been made, vagrants and disorderly persons shall be taken in preference for military service: and should the number designated not be completed with persons of this description, unmarried men, who can be spared by their families with the least inconvenience, shall be taken, *and the latter shall draw lots to complete the number required.*

ART. 6. In each municipality there shall be a junta, composed of the first Alcalde, two Regidores, and one Sindico, to investigate and determine the circumstances and qualifications of those comprised in the foregoing articles, according to the ordinances and existing laws.

ART. 7. Should any individual claim to be aggrieved by the decision of the junta aforesaid, he shall appeal to the Governor of the State, who shall give the final decision; but, during the interval, the appellant shall comply with a soldier's duties.

ART. 8. Should the claim of the appellant prove to be just, he shall be exempt from military service for that time only, should the impediment not be perpetual, his post being filled by another of the same place. For the expense incurred in the support of the aggrieved party, also for that he incurs in the appeal, the junta of investigation shall be responsible.

ART. 9. The general military commandant may direct, agreeably to the ordinance, that recruits be obtained by entrapment and decoy, and

that those who present themselves voluntarily be admitted—raising flags in such places as the Governor of the State shall designate. In this case those commissioned by the aforementioned chief, for the purpose, shall give notice to the respective Ayuntamientos of the number and names of the persons raised in this manner, that they may be deducted from the number designated.

ART. 10. Should hired servants appear in the lists presented to the Ayuntamientos by the persons commissioned in compliance with the provision of the preceding article, they shall not be considered as having presented themselves voluntarily to the military service, unless the amount they owe be previously paid, or there be an agreement between the servant and the master, or between the latter and the person commissioned.

ART. 11. From the second class, specified in article 5, those shall be enrolled who are destined to the depot specified in article 7 of the general law on the subject, also by lot as in the former instance; provided there be not a sufficient number of the class specified in article 5 aforesaid, to fill the vacant posts.

ART. 12. Those who volunteer as substitutes, and those taken in levy according to the second part of article 5 aforesaid, shall be admitted, should it be satisfactory to the junta of investigation; but one or more instances of the kind shall not exempt them from military service when, on another occasion, it shall belong to them to offer themselves.

ART. 13. Those belonging to the civic militia shall, for that reason alone, be exempt from the said service.

ART. 14. The Governor shall previously agree with the Executive of the Republic, that the latter may furnish him with the funds required to satisfy the daily pay and expenses of the recruits.

ART. 15. That this law be more easily fulfilled, the Executive shall give to the subordinate officers all the instructions he shall deem necessary.

For its fulfilment, the Vice Governor of the State, ad interim, shall cause it to be printed, published and circulated.

Given in Saltillo on the 29th of April, 1826.

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DECREE No. 26.

The Congress of the State of Coahuila and Texas, has thought proper to decree the following:

Until the manner and terms whereby the Counsellors at Law of the State are to be admitted and qualified, the Executive shall permit those who apply to him to exercise their profession, exacting of them their lawful diploma, and authenticated certificate that they are not suspended in the practice of their profession.

The Vice Governor of the State, ad interim, shall order the same to be printed, published, and circulated, for its fulfilment.

Given in Saltillo on the 14th of October, 1826.

## DECREE No. 27.

The Congress of the State of Coahuila and Texas, taking into consideration that according to the Constitution of the State, about to govern, the municipalities ought very soon to be elected, and with a view to prevent the inconvenience and injury that might result to the towns from a repetition of electoral juntas and other acts relating thereto, has thought proper to decree:

The present Ayuntamiento shall, for this time only, continue in the exercise of their functions until removed according to the plan that shall originate in the Constitution of the State.

For the fulfilment thereof, the Vice Governor of the State, pro tem. shall cause the same to be printed, published and circulated.

Given in Saltillo on the 28th of November, 1826.

## DECREE No. 28.

With a view to comply in some manner with the desires of the Governor on the subject of promoting the more ready despatch of the business of the towns, and considering that the election of the Council and other officers, according to the Constitution, is about to take place, the Congress of the State of Coahuila and Texas has resolved to decree as follows:

ART. 1. The Executive Council, established by Decree No. 19, shall be composed for the present of two voters proprietors, who are present in the State, and one supletory, and shall be chosen by Congress.

ART. 2. In all other respects the Decree No. 19 shall continue in force, and the Councils conforming to the same.

ART. 3. In case of moral or physical inability on the part of any voter proprietor, the supletory shall act in his place.

For its fulfilment, the Governor of the State, ad interim, shall cause it to be printed, published and circulated.

Given in Saltillo on the 16th of February, 1827.

## DECREE No. 29.

*Form of oath to be taken by the Officers of the State to obey the Constitution of the same, and the manner said Constitution is to be delivered to the Executive to be solemnly published.*

The Congress of the State of Coahuila and Texas, having sanctioned the political Constitution of said State, and desiring that the oath and

publication thereof be effected with the pomp and solemnity corresponding to an event so fortunate, and so much desired, has thought proper to decree:

ART. 1. On the 11th instant, in public session, to commence at 10 o'clock in the morning, the aforementioned Constitution shall be read entire; all the Deputies present in the capital shall then sign two first copies in manuscript, and a committee of three individuals, including the secretary of Congress, shall receive one of the said first copies from the hands of the President, and shall pass to present the same to the Governor of the State, that he may preserve the same in his archives.

ART. 2. On the 12th, in public session, to commence at 10 o'clock A. M., one of the secretaries holding the political Constitution of the State in his hands; first, the President shall take oath to cause the same to be obeyed; and afterwards the other Deputies, in the hands of the President. The Governor and Council shall then present themselves in the hall of sessions, and take the same oath, in the hands of the President; and this act having closed, they shall proceed, accompanied by the deputies and officers, to the Parish Church, where a solemn *Te Deum* shall be chaunted in act of gratitude to the Supreme Being.

ART. 3. The Secretary of State, the Ayuntamientos, Ecclesiastical officers, superiors of offices, for transacting public business, and the Prelate of the religious fraternity of San Francisco, shall take oath before the Governor to obey the Constitution. The officers in national employ, for the present, and until the general Congress shall resolve whether they should, shall take oath in the same manner, to obey the said Constitution, and cause their subordinates to obey the same.—Those belonging to a religious communion, before their respective Prelate; and the subordinates, the other officers employed by other authorities, corporations, and business offices, shall take the same oath before their superiors—all on the day the Governor shall appoint.

ART. 4. The Governor shall designate the day for the solemn publication of the Constitution in this capital, which being done, he shall communicate the same immediately to the Chief of Department of Texas, and to the first Alcaldes of the other Ayuntamientos of the State, that they may proceed to publish the same in the towns of their district. The Governor shall regulate the ceremony for the publication thereof in this capital, taking care that the same be conducted with due dignity; and he shall also take the proper measures that the said Constitution be likewise solemnly published in all the other towns of the State.

ART. 5. In the Department of Texas, and in the other towns apart from the capital, the Chief of Police, and first Alcaldes of each Ayuntamiento, shall take the said oath before the Ayuntamiento of this capital, and afterwards the other members of the respective corporations before the said chief, or respective alcaldes; also curates, and State agents or superior officers having charge of the administration of the rents in their districts; and also those who are present in the said towns and

departments, and in employ of the general government, shall take the same oath as prescribed in article 3.

ART. 6. In this capital, and in the other towns of the State, the people and the rest of the clergy shall take the same oath in their respective parishes, in the accustomed form, and on the day their Ayuntamientos shall appoint.

ART. 7. The corresponding act of all these acts shall be committed to writing, and two attested copies shall be taken out and transmitted, by whom it belongs, to the Governor of the State, who shall deposit one in the archives of his secretary's office, and pass the other to Congress with the same object.

ART. 8. The form of the oath, mentioned in the third and following articles, shall be as follows:

You solemnly swear, before God, to obey the political Constitution of the State of Coahuila and Texas, sanctioned by Congress on the 11th of March, 1827, and cause the same to be obeyed. (They shall answer yes, I do swear.) So help you God; should you not, may it be demanded of you in judgment, and moreover you shall be answerable to the State. (With respect to the people, and others not holding office, the words "*and cause the same to be obeyed*" shall be omitted.)

ART. 9. Any individual or individuals, comprised in the articles of this decree, who shall, directly or indirectly, refuse to take the oath, shall be rejected by the State, should they, on being once required by the Executive or competent authority, persist in their purpose.

For its fulfilment, the Governor of the State, ad interim, shall cause it to be printed, published and circulated.

Given in Saltillo on the 6th of March, 1827.

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The Constitution of the State sanctioned on the eleventh of March 1827.

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DECREE No. 30.

The Congress of the State of Coahuila and Texas has thought proper to decree the following:

For printing and publishing the Constitution, sanctioned and ordered to be published and circulated, the Governor shall use the following form:

The Governor, pro tem., of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the Congress of the said State has decreed and sanctioned the following Constitution: (the Constitution with the preliminary and signatures thereof to be here inserted.) Wherefore, I command it to be printed, published, circulated, and duly fulfilled.

Given, &c. To be here signed by the Governor, and then by the Secretary.

For its fulfilment, the Governor of the State, ad interim, shall cause it to be printed, published and circulated.

Given in Saltillo on the 11th of March, 1827.

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DECREE No. 31.

*Convocation for the first Constitutional Congress.*

The constituent Congress of the State of Coahuila and Texas, taking into view that should the election of Deputies to the first Congress, of Governor, Vice Governor, and Councillors, be effected within the time the Constitution of the State prescribes, the former cannot take place until the months of August and September; neither can the latter officers exercise their functions until January and March, 1828; and desiring as far as possible to avoid these perplexities, which would obviously occasion great injury to the State, and internal administration thereof, has thought proper to decree: that, for this time only, the elections be holden, Congress installed, and the Governor, Vice Governor, and Councillors, enter on the exercise of their functions in the manner stated in the following law of Convocation,

CONVOCA TION LAW.

SECTION FIRST.

CÓNGRESS.

ART. 1. Congress shall be the union of the Deputies, representing the State, elected in the manner hereinafter provided, and until 1832 the number thereof shall consist of twelve proprietors and six supletories.

ART. 2. Congress shall open their sessions on the 1st of July, and with this object, and that of the solemn installation thereof, the Deputies shall be present in the capital by the 27th of June.

ART. 3. The districts of Saltillo, Parras, and Monclova, shall elect three Deputies proprietors each, that of Texas two, and Rio Grande one. The district of Saltillo shall elect two, and each of the other districts one Deputy supletory.

ART. 4. To be eligible to the office of Deputy proprietor or supletory, the following qualifications at the time of the election shall be required:

First—To be a citizen in the enjoyment of his rights.

Second—To have attained the age of twenty-five years.

Third—To be domiciliated in the State, and to have resided therein the two years immediately preceding their election. For natives of the State the first two requisites shall be sufficient.

ART. 5. Those not born within the territory of the Republic to be eligible as Deputy proprietors, shall have been eight years domiciliated therein, and shall possess real estate to the amount of eight thousand dollars, or an industrious employment that shall yield them one thousand dollars per annum, and the qualifications provided in the foregoing article.

ART. 6. Natives of any other part of the American continent, in 1810 subject to Spain, and not now annexed to any other nation, nor in subjection to the former, shall be excepted from the foregoing article; and for such, three years domicile in this Republic, and the requisites prescribed in article 4, shall be sufficient.

ART. 7. The following persons cannot be Deputies proprietors or supletories:

First—The Governor and Vice Governor of the State, and members of the Executive Council.

Second—Persons in employ of the general government.

Third—Civil functionaries whose offices are conferred by the Executive of the State.

Fourth—Ecclesiastics exercising any jurisdiction or authority in the district where the election is holden.

Fifth—Foreigners in time of war between their own country and this Republic.

ART. 8. The public officers of the general government, and of the State, to be eligible as Deputies, shall be required to have been out of office four months previous to the election.

ART. 9. The Deputies of the present Congress cannot be elected.

## SECTION SECOND.

### GOVERNOR, VICE GOVERNOR, AND COUNCILLORS.

ART. 10. The Governor of the State shall possess the following qualifications at the time of his election:

First—He shall be a citizen in the enjoyment of his rights.

Second—A native of this Republic.

Third—Shall have attained to thirty years of age.

Fourth—Shall be domiciliated in this State, having resided five years therein, two of which shall be immediately preceding his election.

ART. 11. Ecclesiastics, military, and other officers of the general government, in actual service, cannot obtain the office of Governor.

ART. 12. There shall be likewise a Vice Governor of the State, whose qualifications shall be the same as those required for Governor.

ART. 13. For the better discharge of his official duties, the Governor shall have a body for consultation, to consist of three voters proprietors and two suppletories, of all whom one only can be an Ecclesiastic.

ART. 14. The qualifications required for a Councillor shall be the same as those required for a Deputy. Those not eligible to the office of Deputy shall not be eligible to that of Councillor.

ART. 15. Those elected to these offices shall take possession of the same on the first of August, and cannot decline the service thereof, except the Deputies of Congress at the time of the election, and those who, in the opinion of the said Congress, are morally or physically disabled.

### SECTION THIRD.

#### ELECTION OF DEPUTIES.

ART. 16. For the election of Deputies municipal electoral and district electoral assemblies shall be holden.

##### *Municipal Electoral Assemblies.*

ART. 17. The municipal electoral assemblies shall be composed of citizens enjoying their rights, domiciliated and resident within the limits of the respective Ayuntamiento. No person of this class can decline attending the same.

ART. 18. Said assemblies shall be holden on Sunday the 22d of April, and day following, to choose district electors, who are to elect the Deputies. For this purpose, eight days previous, or less, should the pressure of time require, the President of each Ayuntamiento shall convoke the citizens of his district by the proper edict, or as the custom may be, giving notice to the haciendas and ranchos of the same district, that the same may come to the knowledge of the citizens thereof.

ART. 19. That the citizens may more conveniently attend, each Ayuntamiento, according to the locality of its territory, shall determine the number of municipal meetings to be formed in its limits: also the public places where they shall be holden, designating to each the places corresponding thereto.

ART. 20. They shall be presided, one by the Chief of Police, or the Alcalde, and the rest by the other individuals of the Ayuntamiento, as it shall fall to them by lot; and in default of the latter, the said Corporation shall appoint for President of the said municipal assembly, a citizen belonging within the precincts assigned thereto, who can read and write.

ART. 21. On the aforesaid Sunday in April, the hour of the meeting having arrived, and the citizens assembled in the place appointed, being together, the said assembly shall commence by choosing from among themselves, by majority of vote, one secretary and two tellers, who can also read and write.

ART. 22. The elections shall continue open on both days specified in article 18, four hours each, divided in morning and evening. In each meeting a register shall be kept to record therein the votes of the citizens convened to choose the district electors, entering alphabetically the names of the voters and candidates.

ART. 23. To be eligible as an elector it shall be required to be a citizen in the enjoyment of his rights,—to have attained the age of twenty-five years,—to be able to read and write,—and to be domiciliated, and a resident in the same district one year immediately preceding the election.

ART. 24. Each citizen shall vote for the respective district electors, viva voce, or in writing; in the former case the voter shall call the name of those for whom he votes in an audible voice, and should he give in his vote in writing, the secretary shall read the list thereof in the same manner, and shall enter the same in presence of the voter. No person shall vote for himself, in this or the other electoral acts, under penalty of losing his right of voting.

ART. 25. In the district in which one Deputy only is to be elected, there shall be chosen eleven electors, and where two or more Deputies are to be elected, there shall be chosen twenty-one electors.

ART. 26. Doubts or controversies that occur whether any person or persons, possess the qualification required for voting, shall be determined verbally by the assembly, and the decision shall be executed without appeal for that time and that purpose only: it being understood that the doubt shall not turn upon the provision of this or other laws.—Should there be a tie in determining the question, absolutory sentence shall be given.

ART. 27. Should complaints arise of bribery, subornation, or force, to cause the election to result in favor of particular persons, the case shall be publicly and verbally canvassed and brought to a decision.—Should the accusation be founded in fact, the offenders shall be deprived of a voice, active and passive. False accusers shall suffer the same penalty. From this decision there shall be no appeal. Doubts that occur with regard to the nature of the testimony, shall be determined in the manner stated in the preceding article.

ART. 28. Municipal assemblies shall be conducted with open doors, without any guard; and no person, to whatever class he may belong, shall appear armed therein.

ART. 29. The election of both days having terminated, the President, tellers, and secretary of each assembly, shall proceed to estimate and cast up the votes received by the several candidates in the register, and sign the same; which having been done, the assembly shall be dissolved, and any other act in which they interfere, shall not only be null, but shall be considered an offence against the public safety. The said register shall be delivered, enclosed and locked, to the secretary of the respective Ayuntamiento.

ART. 30. On Sunday, the 29th of April aforesaid, each Ayuntamiento shall convene in their respective town halls in public session.—In their presence, the President, tellers, and secretary of the municipal assemblies being also present, the register shall be opened, and, in view of all present, a general list shall be formed alphabetically, comprising all the candidates, and number of votes they have received.

ART. 31. The said list, and the act of the corporation that shall be drawn up relative to the subject, shall be signed by the President of the Ayuntamiento, and secretary of the same, and the secretaries of the assemblies. Two copies of the aforesaid list shall then be drawn off, authenticated by the same persons, one of which shall be immediately posted in the most public place, and the other delivered with the corresponding official letter, signed by the President of the Ayuntamiento, to two individuals whom the said corporation shall appoint from its own body, who shall repair to join those commissioned by the other Ayuntamientos, in order to make the general adjustment and computation of the votes.

ART. 32. On Sunday, the 13th of May, the persons commissioned by the Ayuntamientos shall present themselves, with their certificates of appointment, to the Chief of Police, and in his default, to the first Alcalde of the capital of the district, and the latter, or second Alcalde, as the case may be, presiding, they shall meet in the town halls in public session, and in view of all the lists, shall form a general list of the persons chosen district electors by the citizens of the respective district, stating the number of votes they have received, and the places of their residences.

ART. 33. In order to make the general computation of votes, four persons commissioned, at least, shall be present. In districts wherein this number cannot meet, the Ayuntamiento of the capital town shall choose from their own body the persons wanting to complete the same.

ART. 34. The citizens who, on this general inquiry, shall prove to have the greatest number of votes in the list, shall be constitutionally chosen electors. In case of a tie between two or more persons, it shall be decided by lot.

ART. 35. The list aforesaid, and act relative to the subject, shall be signed by the President, commissioners, and the secretary of the Ayuntamiento of the capital of the district. Copies of both shall be drawn off, authenticated by the same persons, and transmitted by the President to the Permanent Deputation of Congress, to the Governor of the State, and to the Ayuntamientos within the precincts of the district.

ART. 36. The said President shall transmit forthwith the corresponding official letter to the electors chosen, in order that they may meet in the capital of the district on a day hereinafter specified for the purpose of holding the electoral assembly of the same.

## PARAGRAPH SECOND.

*District Electoral Assemblies.*

ART. 37. The district electoral assemblies shall be composed of the electors chosen by the citizens in the municipal assemblies, who shall meet in the capital of the respective district, to choose the Deputy or Deputies, corresponding thereto, to meet in Congress as representatives of the State.

ART. 38. Said assemblies shall be holden fifteen days from and after the general computation of votes as specified in article 32,—the electors convening in the town halls or in the building considered most appropriate for so solemn an act, with open doors, and without any guard. No person, to whatever class he may belong, shall present himself armed in said assemblies.

ART. 39. They shall be presided by the Chief of Police, and in his default, by the first Alcalde of the capital of the district; commencing their sessions by choosing, by majority of vote, from their own body one secretary and two tellers; the President shall then cause the credentials of the electors to be read, which shall be the official letters wherein they were notified of their appointment.

ART. 40. The President shall then ask if there be any legal nullity on the part of any elector for his being such, and it be proved at the instant that there is, the electors shall loose the right of voting.—The President shall then also ask if there has been bribery, subornation, or force for the election to result in favor of a particular person,—and should it be immediately proved that there has, the delinquents shall be deprived of a voice active and passive, and false accusers shall suffer the same penalty. Doubts that occur, in either case, shall be determined by the assembly in the manner specified in article 26.

ART. 41. Immediately afterwards, the electors present shall proceed to make choice of the Deputies corresponding to the district, and the same shall be elected one by one by ballot. Each elector shall drop his vote in an urn placed upon a table at the foot of a Crucifix, after having made oath before the Crucifix, the President holding the same in his hands, that in voting for Deputies to Congress, he will give his vote to citizens possessing, in his opinion, the qualifications of integrity, sound information, and a well known steady attachment to the national independence.

ART. 42. The votes having been given in, the President, tellers, and secretary shall count the same, and the citizen who has received more than one half the number of votes shall be constitutionally elected Deputy. The President shall declare each election. Should no one have received the absolute majority, the two who have obtained the greatest number shall be run in a second balloting. Should those receiving a like respective majority be more than two persons, they shall all be run in the second balloting, and the same shall be done when no

one receives this majority, but all an equal number of votes. In all these cases, the candidate who receives the majority of votes shall be elected, and should there be a tie, the balloting shall be repeated once only; and should there again be a tie, it shall be determined by lot.

ART. 43. Should one individual only receive the respective majority, and two or more persons an equal number of votes, but greater than that of all the others, to decide which of the latter shall run in a second balloting with the former, there shall be a separate balloting between them, and the one who receives a majority shall enter in competition with the person who received the respective majority. In the event of a tie, the balloting should be repeated; and should there again be a tie, it shall be decided by lot. In the second balloting between the person who received the respective majority over the whole and his rival, the provision contained in the last part of the preceding article shall be observed.

ART. 44. When one person only receives the respective majority, and all the others an equal number of votes, to determine which of the latter shall run in a second balloting with the former, the same shall be done with respect to those, between whom there is a tie, as provided for this object in the foregoing article; and also to determine which of the rival candidates shall be elected Deputy, the provision of the last part of the same article shall be observed.

ART. 45. The election of Deputies proprietors having closed, that of the supletories shall immediately follow in the same manner and form; and the latter having also terminated, a list containing the names of all the Deputies elected, signed by the secretary of the respective assembly, shall be immediately posted in the most public place. The President and all the electors shall sign the electoral act, and the former, the tellers, and the secretary shall transmit copies, authenticated by themselves, to the Permanent Deputation of Congress, to the Governor of the State, and to all the Ayuntamientos of the district. Said assemblies, having performed the acts prescribed in this law, shall immediately dissolve; any other act in which they interfere shall be null, and moreover reputed as an attempt against the public safety.

ART. 46. The President shall also seasonably despatch the corresponding official letter to the Deputies proprietors and supletories, accompanied by an attested copy of the act, to serve them as a credential of their election.

ART. 47. No citizen shall be allowed to excuse himself, in any way or under any pretext, from discharging the duties spoken of in the present section.

#### SECTION FOURTH.

##### *Election of Governor, Vice Governor, and Councillors.*

ART. 48. On the day following the election of Deputies to Congress, the district electoral assemblies, all and each one of the same,

shall choose a Governor, Vice Governor, three Councillors proprietors and two supletories; and the said election shall be conducted in the manner prescribed by articles 41, 42, 43, and 44.

ART. 49. The aforesaid election having closed, a list of the names of those elected, and stations to which they are chosen, signed by the secretary of the respective assembly, shall be immediately posted in the most public place. The acts shall be signed by the President and the electors, and attested copies thereof, authenticated by the said President, secretary, and tellers, shall be transmitted, enclosed in a certified sheet, to the Permanent Deputation.

ART. 50. On the day the first ordinary sessions of Congress are opened, the person who was President of the Permanent Deputation at the time, shall present the attested copies aforesaid, and after being read Congress shall appoint a committee from their own body to whom they shall be passed, in order that said committee may revise the same, and report thereon within the third day.

ART. 51. On the day aforesaid, Congress shall proceed to determine the elections made by the districts, and compute the votes.

ART. 52. The individual who receives the absolute majority of votes of the district electoral assemblies, to be computed according to the whole number of voters composing the same, shall be Governor, Vice Governor, or Councillor, as the election under consideration may be.

ART. 53. Should no person have the majority aforesaid, Congress shall elect for these offices one of the two or more individuals who have the greatest number of votes; and the same shall be done when no one has this respective majority, all standing equal in votes.

ART. 54. Should one person only receive the respective majority, and two or more an equal number of votes, but greater than that of all the others, Congress shall elect one person from among the former, who shall be run in competition for the election with the person who received the respective majority.

ART. 55. In the event of a tie, the balloting shall be repeated once only, and should there again be a tie, it shall be determined by lot.

## SECTION FIFTH.

### *Coahuiltexians, and Citizens (Freemen) of Coahuila and Texas.*

ART. 56. The following shall be Coahuiltexians:

1st. All men born and domiciliated in the territory of the State, and the children of the same.

2d. All those born in any other part of the territory of this Republic, who shall become domiciliated in the State.

3d. Foreigners, of whatever nation, legally established in the State at the present time.

4th. Foreigners who obtain from Congress letters of citizenship, or who are or shall be domiciliated in the State according to the laws

that shall be enacted, as soon as the general Congress shall issue the general statute of naturalization, which, agreeably to the 27th prerogative conferred on the said Congress by the Constitution, ought to be established.

ART. 57. The following shall be Freemen of Coahuila and Texas

1st. All men born in the State and domiciliated in any part of the territory thereof.

2d. All the citizens of the other States and territory of the Republic as soon as they are domiciliated in the State.

3d. All sons of Mexican citizens, even should they be out of the Mexican territory, provided they become domiciliated in the State.

4th. Foreigners who, already enjoying the rights of Coahuiltexians, shall obtain special letters of citizenship from Congress. The laws shall prescribe the qualifications and conditions for granting them the same.

ART. 58. Those born within the territory of the Republic, and foreigners domiciliated therein (except minors) at the time the political liberties of the country were proclaimed, who did not remain faithful to the cause of its independence, but emigrated to a foreign country or dependency of Spain, shall be neither Coahuiltexians nor citizens of Coahuila and Texas.

ART. 59. The rights of citizenship shall be forfeited:

1st. By becoming naturalized in a foreign country.

2d. By accepting office, pension, or title from a foreign government, without permission from Congress.

3d. By receiving executory sentence wherein corporal or disgraceful punishment is imposed.

4th. By a person selling his vote, or buying that of another for himself or a third person, whether in popular assemblies, or in any other; and by violation of public trust in the said assemblies, whether by those who are presidents, or secretaries, or tellers, or those discharging any other public function.

5th. By having resided five years in succession without the territory of the Republic, without a commission from the general government or that of the State, or without licence from the latter.

ART. 60. A person who forfeits the rights of a citizen, cannot recover the same, unless reinstated therein by Congress.

ART. 61. The exercise of the said right shall be suspended:

1st. For moral or physical disability, after judicial investigation.

2d. For not having attained the age of twenty-one years, except married persons, who shall enjoy the said rights from the time they marry, whatever be their age.

3d. For being debtor to the public funds, the time of payment having expired, and payment having been demanded.

4th. For being under criminal prosecution, until the accused shall be acquitted, or sentenced to a punishment not corporal nor disgraceful.

5th. For having no employment, trade, or known way of support.

6th. For not being able to read or write; but this provision shall not take effect until after the year 1850, and with respect to those who shall enter on the exercise of the rights of citizens after that time.

ART. 62. Only for the causes specified in articles 59 and 61, shall the rights of a citizen be suspended.

ART. 63. None but citizens in the exercise of their rights, shall vote for officers of the State in cases designated by law, and such only shall be elected to the said offices and all others of the State.

ART. 64. That this decree may more easily become known, even in the smallest towns, and that the same may be strictly and promptly executed, the Executive shall accompany therewith such instructions as he shall deem necessary.

For the fulfilment thereof, the Vice Governor of the State, pro tem. shall cause the same to be printed, published and circulated.

Given in Saltillo on the 23d of March, 1827.

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No. 32.

INTERNAL REGULATIONS OF CONGRESS.

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DECREE No. 33.

*Change of the present Ayuntamientos agreeably to the Constitution of the State.*

The Congress of the State of Coahuila and Texas, in consideration of the arrangement made by Decree No. 27, bearing date the 28th of November, 1826, and desiring that the present Ayuntamientos be renewed in accordance with the Constitution of said State, at the earliest possible period, has thought proper to decree:

ART. 1. On Sunday immediately following the publication of the Constitution, meetings of the municipal electoral assemblies mentioned in article 161 of the Constitution, shall, for this time, be called; and, on the first Sunday and second Monday following, the present Ayuntamientos shall open their registers for the election of a new Board.

ART. 2. In each of the assemblies aforesaid, three lists shall be formed: one for setting down the names of persons chosen for Alcaldes, with their distinction of 1st, 2d, and 3d; another for Regidores, and a third for Syndicos: likewise in each observing the same distinction.

ART. 3. In towns that contain a population of one thousand souls, but which have had an Ayuntamiento until the present, and likewise in those containing in their limits from one to two thousand five hundred, there shall be one Alcalde, two Regidores, and one Syndic: and in those

containing from this number to five thousand, one Alcalde, four Regidores, and one Syndic; and from this to ten thousand, two Alcaldes, six Regidores, and two Syndics; from this to twenty thousand, three Alcaldes, six Regidores, and two Syndics.

ART. 4. The two days of election, whereon the registers are to be kept open, having expired, the President, tellers, and secretary of each assembly, shall count the votes received by each citizen in the lists, and after casting up the same, shall sign the lists and deliver the same, enclosed under lock and key, to the Secretary of the Ayuntamiento.

ART. 5. On the Sunday next following the election aforesaid, the Ayuntamiento shall convene in their town halls, the Presidents, tellers, and secretaries of the assemblies also being present, and with all the lists before them, shall form three general lists, setting down in one the names of all the persons who received votes for Alcaldes, beginning with the one who received the most votes, and continuing in that manner; another of those who received votes for Regidores, in the same manner; and a third of those for whom votes were given for Syndics, in the same order.

ART. 6. Should a person at the same time receive votes for Alcalde, Regidor, and Syndic, he shall be entered only on the list wherein he receives the most votes; should he in two or more lists receive an equal number, he shall accept the office of Alcalde in preference to that of Regidor, and the latter in preference of that of Syndic.

ART. 7. The President of the Ayuntamiento, and all the secretaries of the assemblies, shall sign the three lists aforesaid, and draw off two copies thereof; one of which, authenticated, shall be transmitted to the Executive, and the other posted in the most public place. The original lists shall be lodged in the archives.

ART. 8. The President of the Ayuntamiento shall give official notice of their election to those chosen to municipal offices, in accordance with article 165 of the Constitution.

ART. 9. The Ayuntamientos, for this time, shall be totally renewed, and members of the present board can be re-elected.

ART. 10. Those elected, unless physically impeded, cannot fail to take possession of office on the day appointed; they can afterwards manifest to the Executive any reasons they think they have for not serving the same.

ART. 11. Those newly chosen shall take possession of office on the first day of festival after the Sunday specified in article 5 of this decree, and shall take the oath prescribed in article 220 of the Constitution, before the President of the Ayuntamiento that retires from office.

ART. 12. For the population specified in article 158 of the Constitution, the election of Commissaries and Syndics shall be made by the same assemblies, at the same time and in the same manner and form, as that of the Ayuntamientos—their oath and possession of office shall be in accordance with the provision of the preceding articles. Persons only who reside in the respective towns shall be eligible to the aforesaid offices.

For its fulfilment, the Governor of the State, pro tem., shall cause it to be printed, published, and circulated.

Given in Saltillo on the 14th of April, 1827.

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DECREE No. 34.

*Salary and Viaticum of the Deputies of the Constitutional Congress.*

The constituent Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. The Deputies to the Congress of the State shall (each) receive out of the treasury of the latter, a monthly salary of one hundred dollars during the time of session.

ART. 2. For the journey to and from the capitol, computing from the place of their residence, they shall receive at the rate of ten rials for every league.

ART. 3. Their salary shall date from the time their credentials shall be approved by Congress.

ART. 4. The Deputies supletories shall receive the same pay as the Deputies proprietors.

For the fulfilment thereof, the Governor of the State, pro tempore, shall cause the same to be printed, published, and circulated.

Given in Saltillo on the 19th of May, 1827.

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DECREE No. 35.

*Articles 46 and 47 of Decree No. 32, reformed.*

The constituent Congress of the State of Coahuila and Texas, in order that the internal regulations to be used by the constitutional Congress may be rendered in conformity to the Constitution of said State, has thought proper to reform the articles 46 and 47 in the following manner:

ART. 46. The sessions shall open at ten o'clock A. M. and five Deputies present shall constitute a quorum for the object aforesaid, for reading the act, and for the first and second reading of propositions and reports; and six shall be sufficient for communicating the correspondence and substantiating expedients that newly offer, and generally to discuss any project or scheme; but to declare that a vote can be taken, and other resolutions adopted, not here expressed, the concurrence of the absolute majority shall be expressly required.

ART. 47. For deliberating upon subjects, in the judgment of Congress of very great and serious importance, and upon all projects of law or decree, two-thirds of the members shall be required.

For its fulfilment, the Governor of the State, pro tem. shall cause it to be printed, published, and circulated.

Given in Saltillo on the 19th of May, 1827.

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DECREE No. 36.

*Foreign commodities changed in their form by any manufacturing process in the Republic, to be examined and valued for payment of duties in the Custom-houses of the State, the same as the effects of the country.*

The Congress of the State of Corhiula and Texas has thought proper to decree as follows:

All foreign goods which receive a new form in this Republic by means of mechanical industry, thereby acquiring an increase of value in the market where they are sold, over that assigned the same by the general tariff in the place where they are introduced, shall be considered in the Custom-houses of the State, and valued in the invoice the same as the effects of the country.

For its fulfilment, the Governor of the State, pro tem., shall cause it to be printed, published, and circulated.

Given in Saltillo on the 23d of May, 1827.

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No. 37.

Regulations to be observed in the administration of the towns as regards the political economy thereof.

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DECREE No. 38.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. On the 24th instant, at 10 oclock A. M., Congress shall convene and choose the regular Deputies proprietors and one supletory, who are to compose the Permanent Deputation stated in article 88 of the Constitution.

ART. 2. On the same day, at half past eleven, the Ayuntamiento and the State officers shall meet in the galleries of the capitol.

ART. 3. The Governor shall then present himself, accompanied by the members of the Council, and they shall be received agreeably to the regulations. The Governor shall take his appropriate seat, and the Councillors shall unite with the Deputies.

ART. 4. The Governor shall then deliver a message, discoursing on the state of affairs, to which the President of the Congress shall make a summary reply, and conclude by declaring the sessions closed.

The Governor of the State, *pro tempore*, shall cause the same to be printed, published, and circulated, for the fulfilment thereof.

Given in Saltillo on the 20th of June, 1827.

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DECREE No. 39.

LAW FOR THE REGULATION OF JUSTICE.

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DECREE No. 40.

The Congress of the State of Coahuila and Texas, desirous that the mining districts of the State may have every support consistent with the present form of government, and that the inhabitants of the said districts be provided therein with all suitable assistance for promoting the increase and prosperity of mining, has thought proper to decree:

ART. 1. In the mining district of the Valley of Santa Rosa there shall be a mining Deputation, to consist of the Alcalde, or person officiating in his stead, and two of the inhabitants, to be chosen by the Ayuntamiento of said Valley by absolute majority of vote; the said election shall take place, in the present instance, immediately after the publication of this decree, and in future on the first day after the Ayuntamiento takes possession of office. Ties in the said elections shall be determined by lot.

ART. 2. At the time designated in the preceding article, and in the same manner, two Deputies suppletories shall likewise be chosen to fill the place of the proprietors in case of moral or physical disability. Both shall be annually renewed in one half their number, by cessation from office at the close of the first year on the part of those last chosen. No member of the Ayuntamiento, or person serving any municipal office shall be elected, until two years after retiring from office.

ART. 3.. The members of the mining deputation shall possess the qualifications prescribed in article 160 of the Constitution. Their style of address as a body shall be that of Señoria, officially only; and on public ceremonies they shall seat themselves in union with the Ayuntamiento, wearing a yellow sash for purpose of distinction.

ART. 4. The persons chosen shall enter on the duties of office on the first holliday following their election, and shall take the oath specified in article 120 of the Constitution, before the Alcalde or person acting in his place.

ART. 5. The Ayuntamiento shall transmit a copy of the electoral act to the Governor, for the corresponding approval, in case no nullity or substantial defect be contained therein.

ART. 6. Those chosen cannot decline the office, but should they consider they have just cause for so doing, they shall apply to the Governor for his decision, discharging the duties of office during the investigation of the subject.

ART. 7. Persons who serve these stations may be re-elected, but not obliged to serve, and the same shall not be chosen to Ayuntamiental offices until two years after serving in the Deputation.

ART. 8. In the annual renewal of supletory, the one who retires from office may be elected Deputy, unless the same shall have supplied the legal default of the proprietors the term of six months.

ART. 9. On nomination of three by the respective Ayuntamiento, the deputation shall appoint commissioners, of good character, in mining districts that are now or shall be hereafter discovered without their own to take cognizance in such matters as the former, agreeably to their powers, shall commit to their charge.

ART. 10. With respect to the general administration of mining, besides the provision of the preceding article, they shall possess the attributes marked out and defined in the mining ordinances;—formal announcements and records of search and discovery, shall be made before the said deputation, or commissioners thereof; but, in all contested cases, they shall withhold cognizance, and transmit the same, accompanied by a statement of the preceding facts and circumstances, to the primary judge of the district wherein the mine is situated.

ART. 11. On the first of December, yearly, the deputation shall report to the Executive on the state of the mines and miners, proposing whatever in their opinion may tend to restore, preserve, and promote the prosperity of the mines. The same shall also report the quantity of silver produced, amount of mercury consumed, number of mines in operation, of those abandoned, (stating the causes,) as well as mines newly discovered, and those restored to new operation; demanding of each commissioner, for this object, the attested copies and other documents required. Said report shall be communicated to Congress, in order to dictate such measures as the same shall deem proper.

ART. 12. The deputation, in their correspondence with the Governor, shall conduct the same directly.

ART. 13. In the other parts of the State where new veins are discovered, or abandoned mines found, the district judges shall maintain the announcements and records of discovery that shall offer, until the persons interested can apply to the deputation.

ART. 14. The fees for announcement, and for recording a description of the mine discovered: for giving possession, and for survey, and all other operations connected with the subject, shall be collected according to the fee bill which shall be formed by Congress, and that used by the Deputation of the Real de Catorce, shall govern during the interval.

ART. 15. The Spanish statute or system of mining laws, so far as the same is not opposed to the Constitution and laws of the State, shall be observed.

ART. 16. The Executive shall direct that part of the archives relative to the mines of the State, to be collected and handed over to the Deputation.

ART. 17. The members of the Deputation shall be responsible for abuse committed in the exercise of their functions, and shall be under immediate subjection to the Governor.

For its fulfilment, the Governor of the State, pro tem., shall cause it to be printed, published, and circulated.

Given in Saltillo on the 22d of June, 1827.

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DECREE No. 41.

The Congress of the State of Coahuila and Texas, desirous of coinciding with the measures now becoming general, relative to prohibiting European Spaniards from holding office in the Republic of Mexico, so long as Spain shall not acknowledge the Independence of the former, and conforming to the verdict of public opinion clearly declared on that subject, has thought proper to decree:

ART. 1. No native of the Spanish dominions shall exercise any office or trust, such as it belongs to the high civil officers of the State to fill, so long as Spain shall not acknowledge the Independence of this Republic.

ART. 2. The provision of the preceding article shall embrace the ecclesiastical offices and trusts of the secular and regular clergy, so far as regards the exercise of their attributes.

ART. 3. Sons of Mexicans who may have been born in Spain, and are now living in the State, shall not be included in the preceding articles.

ART. 4. The Executive shall cause Parish Priests and Missionaries to withdraw from their respective stations during the time established in article 1st.

ART. 5. Officers separated by virtue of this law shall receive half pay, should they hold their offices in their own right, and should they not, they shall be fully replaced by others.

ART. 6. Offices left vacant in consequence of the provision contained in this law, shall be filled provisionally and according to the laws.

ART. 7. For curates whom the Executive shall remove in conformity to the provision of article 4, a coadjutor shall be appointed, who shall receive the customary compensation, and the person suspended his corresponding emolument.

For its fulfilment, the Governor of the State, pro tem., shall cause it to be printed, published, and circulated.

Given in Saltillo on the 23d of June, 1827.

DECREE No. 1,

*OF THE CONSTITUTIONAL CONGRESS.*

ELECTION OF GOVERNOR, VICE GOVERNOR, AND COUNCILLORS.

The constitutional Congress of the State of Coahuila and Texas, exercising the 2d, 3d, and 4th prerogatives granted the same by article 97, section 4, title 1 of the Constitution, and having made, in pursuance thereof, the general examination of votes which the several candidates for Governor, Vice Governor, and voters of the Executive Council have received in the electoral district assemblies, conformably to the provision of article 132, section 4, title 2, and no one having received the absolute majority required by article 133, proceeded to the respective choice of the aforesaid officers, and, having performed the election in the manner and form as prescribed in articles 134, 135, and 136, in virtue thereof decrees:

ART. 1. Jose Maria Viesca is elected Governor of the State of Coahuila and Texas.

ART. 2, Victor Blanco is elected Vice Governor of said State.

ART. 3. Santiago de Valle, Dionicio Elisondo, and licentiate Jose Ignacio de Cardenas, are elected Councillors Proprietors.

ART. 4. Antonio Pereira and Cayetano Ramos are likewise elected Councillors Suppletories.

ART. 5. In accordance with article 15 of the law of convocation of March 23d, the persons elected shall present themselves on the 1st of August next, to take the oath the Constitution prescribes, and to take possession of office.

For its fulfilment, the Governor of the State, pro tem., shall cause it to be printed, published, and circulated.

Given in Saltillo on the 4th of July, 1827.

JOSE IGNACIO SANCHEZ NAVARRO,  
President.

JOSE ANTONIO TIJERINA, Dep. Sec'y.  
JOSE FRANCISCO MADERO, D. S.

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DECREE No. 2.

The constitutional Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The cock pit location of the whole State shall be leased at public auction, to be cried on three festival days, specifying the day the sale shall be closed, which shall be to the highest bidder for period of five years, with the understanding that the same may sublease the respective pits in the other places.

ART. 2. The purchaser of the lease shall give bond with security obligating himself to pay at the end of each year, and the proceeds shall enter the State Treasury.

ART. 3. The judge of the treasury shall preside the auction, the treasurer being present; and, in his default, the agent having charge of the rents.

ART. 4. Billiard tables shall pay a tax of twenty-four dollars per annum, to be paid in three equal instalments in advance.

ART. 5. Those who established billiard tables on the condition of paying such tax as should be assigned them, shall pay what is due, the same as other owners of tables, and shall conform to the last contract they made with the agent having charge of the Tobacco rent. Those who established tables without any understanding on the subject, shall pay in the same manner.

ART. 6. In this town the entries shall be made in the State treasury, in other places in the agencies of the Tobacco rent.

For its fulfilment, the Governor of the State, pro tem., shall cause it to be printed, published, and circulated.

Given in Saltillo on the 28th of July, 1827.

JOSE IGNACIO SANCHES, President.

JOSE ANTONIO TIJERINA, D. S.

JOSE FRANCISCO MADERO, D. S.

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#### DECREE No. 3.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The two per cent impost on the circulation of money by decree of the general Congress of June 11th, 1822, heretofore collected only in this town, shall embrace all the towns of the State, and the same shall continue to be exacted in future as a rent of said State.

ART. 2. The collection shall be made in each town at the time of removal of any amount of money, whether the same be destined to a place within or without the State; the agent and receivers of excise shall, for the present, have charge of the collection thereof in the department of this town; and the agents charged with the Tobacco rent, and clerks for weighing and inspecting therein, in the department of Monclova and Texas.

ART. 3. The aforesaid officers shall keep a book, wherein they shall set down the parcels they collect, specifying the date, and name of the party that causes, and they shall sign the same, the respective Alcalde shall also sign, and the latter shall examine the corresponding permit, or writing certifying that the duty has been paid, that shall be given to the party interested.

ART. 4. Those charged with branch stores for the exclusive sale of cigars, or receivers of the departments, shall forward every six

months to their respective general agents, a statement of the amount collected, examined and approved by the Alcalde.

ART. 5. Expense of books, paper and postage, after establishment of the claim, shall be paid by the rent.

ART. 6. The principal agents shall pay themselves six per cent. on what they themselves collect in their agencies, and allow their subordinates four per cent. on what the latter collect, the remaining two per cent. to be in favor of the former for labor incurred in making out general accounts, in correspondence, and other business connected therewith.

ART. 7. Contraband money that is seized shall be divided agreeably to the confiscation compact, allowing from one to two hundred dollars for traveling expenses, for which amount a permit shall always be obtained.

ART. 8. Persons guilty in any manner of abuse of office, shall pay threefold, forfeit their office, and be disqualified for holding any other.

For its fulfilment, the Governor of the State, pro tem., shall cause it to be printed, published, and circulated.

Given in Saltillo the 31st of July, 1827.

JOSE MARIA ECHAIS, President.

JOSE F. MADERO, D. S.

JUAN A. GONZALES, D. S.

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DECREE No. 4.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The name of the town of San Fernando shall be permitted to be changed to that of Rosas.

ART. 2. Likewise that of the town of Camargo to that of Guerrero.

For its fulfilment, the constitutional Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 7th of August, 1827.

JOSE MARIA ECHAIS, President,

JOSE F. MADERO, D. S.

JUAN A. GONZALES, D. S.

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DECREE No. 5.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Jose Ignacio Estevan is a special citizen of this State.

For its fulfilment, the constitutional Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 17th of August, 1827.

JOSE MARIA ECHAIS, President.

JOSE F. MADERO, D. S.

JUAN A. GONZALES, D. S.

DECREE No. 6.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. Silver in bars, or pieces of plate, shall for the present pay a duty of three per cent. in the place where it is extracted.

ART. 2. The provision of Decree No. 3, respecting the circulation of money, except the last part of article 7, relative to money for traveling expenses, shall be observed in the collection of the duty aforesaid.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 21st of August, 1827.

JOSE MARIA ECHAIS, President.

JOSE F. MADERO, D. S.

JUAN A. GONZALES, D. S.

DECREE No. 7.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Simple theft of any kind, not exceeding from one to ten dollars, shall be punished with a fine of from ten to thirty dollars, or labor on the public works from one to three months; for the second offence the punishment shall be doubled, and shall indispensably be the latter. For the third offence in larceny mentioned in this article, besides the punishment specified in the second part thereof, the person so offending shall be taken to the most public place, with a board with the following inscription, *for theft*, placed upon his head.

ART. 2. Simple theft exceeding ten and not exceeding one hundred dollars, shall be punished with not less than one nor more than two years labor on the public works.

ART. 3. To adjudge this punishment, the judge shall be required only to prove the crime in evidence to the accused in summary trial, also in presence of two judges chosen, one by the plaintiff, the other by the defendant.

ART. 4. The demand having been set down in the record of verbal trials that shall be kept in every court of justice, the defendant's

contestation shall be set down in an extract of the evidence that appears pro. and con.—the whole expressed in the plainest manner.

ART. 5. After the pleadings of the parties are heard, the plaintiff and defendant shall retire, and the judges shall determine the crime, if there be any, and, setting down whatever it shall be, the judge shall pronounce sentence agreeably to this law, which sentence immediately shall be made known to the plaintiff and defendant, and applied to the latter, such as it shall result to the same; in the whole the provision of article 3 of the organic law of justice shall be observed.

ART. 6. Theft committed in passing near or within any dwelling shall be punished with double the corporal penalty specified in articles 1st and 2d.

ART. 7. For theft committed in the country of from one to nine head of small stock, as sheep and goats; and of from 1 to three of large stock of any kind, the punishment shall be labor on the public works for a term not less than six months nor more than two years, for which the formalities prescribed in articles 3, 4, and 5 shall be observed.

ART. 8. When theft of any kind shall be accompanied by force or violence of any kind, as well as by blows, mutilation of members, or death, the corresponding judicial process shall be instituted against the delinquent or delinquents, which shall be closed in conformity to the laws.

ART. 9. When the theft exceeds one hundred dollars, the provision of the foregoing article shall be observed.

ART. 10. Offenders who shall be sentenced to public works shall be destined in preference to the repair of prisons, and construction of new ones where there are none, and the amount necessary for their support shall be taken from the public funds.

ART. 11. The penalties imposed by this law upon thieves or robbers shall be understood as not preventing in any way that, after said penalties are concluded, they indemnify the lawful owner for the theft, or before, should they have the means, or should any stolen articles exist; the fine specified in article 1 shall be paid in preference.

ART. 12. Any judge who in consequence of subornation, bribery, negligence, or partiality, shall not fully comply with this law, besides being compelled to pay a fine not less than two hundred nor more than five hundred dollars, shall be amenable to the law of the 24th of March 1813, except the pecuniary penalties imposed therein.

ART. 13. The Alcaldes or judges shall transmit every month to the first Hall of the Tribunal of Justice of the State, a copy of sentences they have pronounced, and causes that have determined them, and are in conformity to this law, in order that, should they be found on investigation to have proceeded contrary to justice, the responsibility may be exacted of the said Alcaldes or judges, in accordance with the law of the 24th of March, 1813.

ART. 14. Receivers of stolen goods, agents or protectors of thieves, shall suffer the same penalty as the latter, after the corresponding proof thereof.

ART. 15. On the publication of the Penal Code of the State this law shall cease to have effect.

For its fulfillment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 27th of August, 1827.

JOSE MARIA ECHAIS, President.

JOSE F. MADERO, D. S.

JOSE A. TIJERINA, D. S.

#### DECREE No. 8.

The Congress of the State of Coahuila and Texas, to prevent abuses committed in driving large stock, greatly retarding the increase and propagation thereof, which can only be expected by having order and suitable regulations, and likewise to prevent fraud upon the State revenue with respect to this class of duties, which form a part of the same, has thought proper to decree:

ART. 1. The period of mustang chases shall be from the first of October to the last of February inclusive, and it shall not be permitted at any other time.

ART. 2. The legally established tax in favor of the State revenue shall be two rials a head for horses, old and young; two dollars for mules, and four rials for horned cattle; the said tax to be understood only in relation to such as have no brand or owner, and are caught on vacant lands.

ART. 3. To collect the tax required by this law, the Executive shall appoint in each town a person of his confidence, who shall receive a compensation of six per cent. on the amount he collects.

ART. 4. In each chase, or course, the individual who first encourages the same, or person acting in his stead, shall have the direction or superintendence, for which a license shall be obtained from the respective judge, who, with the concurrence of the person charged by the Executive with the collection of the tax provided in article 2, shall give the same, and during the period designated in article 1 the license shall not be withheld.

ART. 5. The leader of each party shall be answerable for abuses committed in that under his command, and shall also be responsible for presenting all the beasts collected, of whatever kind they may be, to the commissioner of the place of his residence.

ART. 6. The commissioner shall keep a book of common paper, wherein all the lots or parcels that come into his possession, shall be entered, and the same shall be signed by himself, the leader of the chase, and the Alcalde.

ART. 7. Branded beasts, whose owners are not known, shall be presented to the Ayuntamiento, which shall keep a book made of common paper, to be called, *of strays*, wherein an account shall be kept of the same, and their class, color and brand described.

ART. 8. Lists of said beasts shall be immediately sent to all the Ayuntamientos of the State, that they may cause the same to be advertised in their districts, to ascertain to whom they belong, for the formal delivery thereof, observing the arrangement made in the second part of article 13 of the economical regulations of towns.

ART. 9. The Governor, on receiving the notice that shall be given him every six months, shall communicate the same to those of the adjoining States of Nuevo Leon and Tamaulipas for the purposes specified in the first part of the preceding article.

ART. 10. For placing the beasts specified in article 7 in deposite, preference shall be given to the person who presents the same, giving proper security, and with respect to the charges to be paid, in order to take them away, the established custom shall be complied with.

ART. 11. Both the beasts specified in article 7, and those found in the towns, also having no brand, including neat cattle, shall be deposited the term of six months, after which time, should no person appear to claim the same, they shall be considered as strays, and, after valuation, sold at public auction, the proceeds thereof to be delivered to the respective commissioner to be paid over to the State Treasury. The owners of horned cattle and other beasts sold in this manner, shall be entitled to the value thereof on proving property before the expiration of three years—after that time they shall possess no right.

ART. 12. The commissioners shall render their accounts (proved) annually to the State Treasury, wherein, after deducting their compensation, they shall enter the amount collected.

ART. 13. Those who transgress the provision of this law, or, abusing the privileges of the chase, kill or conceal beasts of any kind, besides paying the established tax, shall be fined by the judges twenty-five dollars for the first offence, and fifty for the second, to be applied to the funds of the Ayuntamiento. Those who have not the means of meeting the fine, shall be imprisoned from one to two months, or be destined to from twenty to forty days labor on public works. For the third offence they shall incur double the second fine or corporal punishment, and for the fourth be deprived of the privilege of the chase. The formalities prescribed in articles 2 and 3 of the law of regulations of tribunals, No. 39, shall be observed in cases provided in this article.

ART. 14. Every citizen shall be authorized to act in demanding the fulfilment of this law by himself, or through the medium of the individual mentioned in article 3. The latter shall be responsible for any dissimulation in the discharge of his duties.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 31st of August, 1827.

RAMON GARCIA ROJAS, President.  
JOSE A. TIJERINA, D. S.  
MIGUEL ARCINEAGA, D. S.

## DECREE No. 9.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The Executive shall give power to the chief agents in the Tobacco department, in default of a seal to legalize the account books of merchants, of proprietors of land estates, and other dealers, with their own signatures, agreeably to the provision of article 16 of the stamp paper regulations. Said agents, under their own responsibility, may delegate this power to their subordinates residing in different municipalities.

ART. 2. The agents and their subordinates, as the case may be, in a book made of common paper, paged and destined to that purpose, shall keep an account of the books they stamp or legalize, number of leaves of which they consist, stating the names of the owners, and place of residence. The lot or parcel shall be signed by the agent or officer, the owner of the book, and the respective Alcalde.

ART. 3. At the end of the year, an advertisement shall be posted in each town, specifying the books legalized, the amount paid for each, and the names of the owners.

ART. 4. The term of one month shall be allowed to merchants and dealers for applying to have their books stamped, both new ones and those already commenced. After the term aforesaid, the transgressors, besides the illegality mentioned in article 10, chap. 30, of the stamp paper law, shall be subject to a fine of twenty-five dollars for every book they fail to present, independent of paying the tax of the paper. The fines shall be applied to the funds for public instruction.

ART. 5. Any individual of the town shall have power to interfere, demanding a compliance with the provision of this law.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 11th of September, 1827.

RAMON GARCIA ROJAS, President,  
JOSE TIJERINA, Sec'y Supletory.  
MIGUEL ARCENIAGA, D. S.

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EXECUTIVE DEPARTMENT OF THE STATE }  
OF COAHUILA AND TEXAS. }

*Secretary's Office of the Congress of Coahuila and Texas.*

INSTRUCTIONS to which the commissioner for the distribution of lands to the new colonists who present themselves to settle in the State, according to the colonization law of March 24th, 1825, shall conform:

ART. 1. The commissioner shall be obligated pursuant to the contract made by the empresario with the government, also to the colonization law of the 24th of March, to examine in the most scrupulous manner the certificates, which colonists from foreign countries are required

to bring from the authorities of the place from which they come, thereby proving themselves to be of the christian religion, and to possess a good moral character, without which requisites they shall not be admitted in the colony.

ART. 2. In order to guard against false certificates, the commissioner shall admit none until after the empresario, to whom they shall previously be transmitted for the purpose, shall give information in writing relative to the legitimacy of the same.

ART. 3. He shall administer to each of the new colonists from foreign countries, the oath in form to obey the Constitution of this Republic, that of the State, and the general and special laws of his adopted country.

ART. 4. He shall issue the land titles in the name of the State, in conformity to the law, giving the new settlers possession of the same in legal form, and previously citing the adjoining proprietors, should there be any.

ART. 5. He shall not give possession to any colonist, settled, or intending to settle, within twenty frontier or border leagues of the United States of the North, and ten of the Gulf of Mexico, unless the person interested shall present him a special order from the government, wherein the approbation thereof of the national government shall be manifested.

ART. 6. He shall adopt the necessary measures that no vacant lands be left between possessions, and in order that the limits of each one may be known at first sight, he shall oblige the colonists to set land marks upon their lands within one year, with fixed and permanent boundaries.

ART. 7. He shall appoint, under his own responsibility, the surveyor, who shall run off the lands scientifically, previously requiring him to take the oath in form well and faithfully to execute the duties of his office.

ART. 8. He shall form a book in calf of paper bearing the impression of the third seal, wherein he shall write the titles of the lands which he distributes to the colonists, specifying their names, the boundaries, and other requisites and legal circumstances; and he shall take from the said book attested copies of each possession upon paper of the second seal, which he shall deliver to the person interested to serve him for a title.

ART. 9. Each settler shall pay the value of the stamp paper used in issuing his titles, both in the original and in the attested copy.

ART. 10. Said book shall be preserved in the archives of the new colony, and an abstract shall be taken therefrom to be transmitted to government, containing the number and names of all the colonists, the quantity of land given to each, expressing those which are for cultivation, irrigable or not irrigable, and those which are given them for grazing lands.

ART. 11. He shall select the site most appropriate for founding the town or towns, which are to be established, according to the number of families of which the colony consists, bearing in mind the provision of the colonization law upon this subject.

ART. 12. The site destined for the new town having been determined, he shall see that the principal lines run North and South, East and West:—he shall designate a square measuring one hundred and twenty varas on each side, exclusive of the streets, to be called the *Principal or Constitutional Square*. This shall be the central point from which the streets shall run for forming squares or blocks thereon agreeably to the accompanying plan.

ART. 13. The block fronting the principal square, upon the East side, shall be destined for a church, curate's dwelling, and other ecclesiastical edifices; and that on the West, for municipal buildings or town halls. In another suitable place, he shall point out a block for a market square, one for a jail and house of correction, one for a school and other buildings for public instruction, and without the limits of the town for a burial ground.

ART. 14. He shall cause the streets to be laid off straight, twenty yards wide, for the salubrity of the town.

ART. 15. Mechanics, who, on the founding of a new town, present themselves to settle therein, shall be entitled to a lot each, to be attended with no expense, except the cost of the stamped paper necessary for issuing their titles, and the small tax of one dollar per annum for building the church.

ART. 16. The lots mentioned in the preceding article shall be distributed by lot, with the exception of the empresario, to whom two lots shall be given in the site he selects.

ART. 17. The other lots shall be valued by appraisers, and sold out to the other colonists according to the valuation. Should there be several applicants for any lot or lots, on account of their more eligible situation, or other circumstances that may cause competition, they shall decide by lot in the manner provided in the preceding article. The product of the said lots shall be appropriated to building a church in the town.

ART. 18. He shall proceed, together with the empresario, to have all the inhabitants belonging to the jurisdiction of each town take lots therein, and build their houses within the time specified, under penalty of forfeiting their lots.

ART. 19. He shall form a book in calf for each new town, wherein the appropriation of lots, whether by donation or sale, shall be recorded, expressing their boundaries, and other particulars agreeably to the usual form, from which attested copies shall be taken, upon paper of the corresponding stamp, to be delivered to the persons interested to serve them as titles.

ART. 20. He shall execute a topographical plan comprising the towns founded in the colony, which he shall forward to the government, leaving in the colonial register an exact copy thereof.

ART. 21. He shall cause a ferry to be established at each crossing of the rivers upon the highways, whereon any town is founded;—the flat or boat to be provided at the expense of the inhabitants of the said

town, establishing moderate rates of toll, out of which the ferryman shall be paid, the boats repaired, and the remainder added to the public funds.

ART. 22. In places where there is no town, he shall charge the colonist settling in any of the same with the establishment of ferries,—taking a moderate toll until these taxes are rented out for the use of the State. Colonists who resolve to establish ferries on the terms herein indicated, shall keep an exact and certified account of the expense they incur in building boats, and another, also attested, of the product of the toll, to entitle them, when these taxes are rented by the State, to receive an indemnification for the deficiency of the toll, at present allowed them, for covering the expense.

ART. 23. He shall preside at the popular elections mentioned in article 40 of the colonization law, for choosing the Ayuntamientos and putting the persons chosen in possession of office.

ART. 24. He shall take special care that the portions of land granted the colonists by articles 14, 15, and 16, be measured by the surveyors with the greatest accuracy, without permitting any one to take more land than what is pointed out by law, and in the contrary event he shall be personally responsible.

ART. 25. Should any colonist, agreeably to article 17, solicit to have the quantity of land pointed out in the aforesaid articles, increased in his favor, on account of his family, industry, and enterprise, he shall manifest the same, setting forth the reasons in which he founds his petition, in writing, to the commissioner, who shall forward the same to the Executive, accompanied by his respective report, under the most rigid responsibility of providing what is proper.

ART. 26. All public instruments, titles, or documents whatever, drawn by the commissioner, shall be written in the Spanish language: the same shall be used in memorials, decrees, and reports presented by the colonists or empresarios on any subject whatever, whether to be transmitted to the government, or deposited in the archives of the colony.

ART. 27. All public instruments of possession, and attested copies signed by the commissioner, shall be attested by two assisting witnesses.

ART. 28. The commissioner shall be personally responsible for all acts and provisions by him effected or performed in violation of the colonization law and these instructions.

Saltillo, September 4th, 1827.

JOSE A. TIJERINA, Sec'y by substitution.  
MIGUEL ARCINEAGA, Dep. Sec'y.

*Additional Article.*—The commissioner shall not grant any land, of himself, nor give possession upon those traced out for *empresas*, so long as these are not concluded, without the knowledge and consent of the empresario himself, even should the said grant be authorized by the Executive

*Note.*—On the 15th of May, 1828, Congress issued the decree No. 62, regulating the pay to be made to commissioners for their services, and on the 10th of April of the current year, the said Congress issued the decree No. 128, which in part reforms and explains these instructions, both which laws shall be borne in mind by every commissioner for the distribution of lands.

Leona Vicario, 25th of April, 1830.

JOSE MARIA VIESCA.

SANTIAGO DE VALLE, Secretary.

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DECREE No. 10.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. The Ayuntamientos of the towns shall make out and forward annually to the respective chief of department or district, a minute account of the state in which the different objects committed to their charge by the law No. 37 of the 13th of June last, exist; giving notice of the improvement or backwardness they have undergone during their administration, and stating the measures it is proper to dictate to remove the obstacles that impede their progress.

ART. 2. Said corporations shall post a regular account annually, in the most public places within their respective jurisdiction, stating clearly and minutely therein, the sums that have come into their possession, and the distribution they have made of the same, independent of the certified accounts, as provided by article 133 of the aforementioned law No. 37, which they shall forward every year.

ART. 3. At the close of their administration, and before their renewal, the Ayuntamientos under their responsibility shall fulfill the provision of this decree.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 5th of September, 1837.

RAMON GARCIA ROJAS, President,  
JOSE A. TIJERINA, D. S. Supletory,  
MIGUEL ARCINEAGA, D. S.

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DECREE No. 11.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. The Governor, in the reports it shall be his duty to read every year on the opening of the ordinary sessions, shall give information relative to the public rents of the State, manifesting the values, entries, expenditures, and nett proceeds of each.

ART. 2. The said information shall comprise the term of a financial year, which shall also serve to regulate the presumed or presupposed general expenditures of the State, which shall be presented in the same report.

ART. 3. The financial year shall commence the first of September and terminate the last of August following, wherein a general settlement or adjustment of accounts shall be effected in all offices which receive funds or stock of the public revenue.

ART. 4. The head agents of the rents, and other responsible officers shall forward their corresponding accounts within the peremptory term of two months from the termination of the financial year, that they may be received by the Executive by the 31st of October, to enable him to fulfill the purposes contained in article 1st.

ART. 5. At the conclusion of the aforesaid reports, and without being thereby prevented from doing the same on another occasion, he shall propose all the laws that, in his opinion, ought to be enacted to correct the evils that he may have observed in the departments of the public administration, or to promote such improvement as he shall deem proper in each of the same.

ART. 6. These propositions shall be presented composed or written in projects of law, in the manner the Executive thinks they should be enacted.

ART. 7. He shall present with due distinction those relating to the public rents, the reforms of which they are susceptible, the financial administration of their expenditures, establishment, extinction, or reduction of imposts, in order to bring the product of all the rents on a level with the general expenditures of the State.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 6th of September, 1837.

RAMON GARCIA ROJAS, President,  
JOSE A. TIJERINA, Sec'y Supletory.  
MIGUEL ARCINEAGA, D. S.

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DECREE No. 12.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. The Executive of the State, for issuing letters of citizenship to individuals in whose behalf Congress shall declare this favor, shall use the following form:

The Governor of the State of Coahuila and Texas to all unto whom these presents may come, be it known: That J. N an inhabitant of \_\_\_\_\_, having applied for the letter of citizenship on account of such a decree, or for such reasons, and having shewn that he possesses the merit and qualifications to entitle him to this favor, I have thought

proper to propose him to the honorable Congress, which by decree (number and date) has been pleased to grant to the aforementioned N. letter of citizenship, that he be considered and respected as such throughout the State, and enjoy therein the rights and privileges that belong to him agreeably to the Constitution and laws of the State, submitting to the burthens and duties imposed by the same upon all citizens of Coahuila and Texas. Wherefore, I command all the tribunals, justices, chiefs, and other authorities of the State, civil, military, and ecclesiastical, to regard and respect the aforementioned N. as a citizen of Coahuila and Texas, protecting and causing to be protected the rights and privileges that belong to him as such, agreeably to the Constitution of the State and laws that do now, or may hereafter exist, and that this letter be directed to the person interested for such use as shall best suit his purpose. Given in ——— date. Signature of the Governor and Secretary.

ART. 2. Said letters shall be written on paper stamped with the first seal.

For its fulfilment, the Vice Governor of the State, shall cause it to be printed, published, and circulated.

Given in Saltillo on the 11th of September, 1827.

RAMON GARCIA ROJAS, President,  
JOSE A. TIJERINA, D. S. Supletory,  
MIGUEL ARCINEAGA, D. S.

#### DECREE No. 13.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. John Cameron is hereby declared a citizen of the State.

ART. 2. The Executive shall order the corresponding letter to be issued to the said Cameron, also to Santiago Hewetson, who was constituted a citizen on the 11th of August last.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 12th of September, 1827.

RAMON GARCIA ROJAS, President.  
JUAN A. GONZALES, D. S.  
MIGUEL ARCINEAGA, D. S.

#### DECREE No. 14.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. Maize, beans, and red pepper, being articles indispensably required, shall be exempted from paying excise duties.

ART. 2. In pursuance thereof, the orders of the 20th September, 1825, relative to the aforementioned articles, are hereby repealed.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 13th of September, 1827.

RAMON GARCIA ROJAS, President,  
JUAN A. GONZALES, D. S.  
MIGUEL ARCINEAGA, D. S.

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DECREE No. 15.

The Congress of the State of Coahuila and Texas decrees as follows:

The tribunal of justice shall not assist in the public ceremonies at any kind of festive concourse, nor on occasion of national festivals, as provided in articles 49 and 79 of the law of justice. No. 39, which shall be repealed so far as regards this provision, and in every other respect shall remain in force.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 13th of September, 1827.

RAMON GARCIA ROJAS, President,  
JUAN A. GONZALES, D. S.  
MIGUEL ARCINEAGA, D. S.

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DECREE No. 16.

The Congress of the State of Coahuila and Texas decrees as follows:—

At the expiration of the term specified in Decree No. 9 of the 4th instant, the Executive may authorize the first Alcaldes of the respective towns, associated with the chief agents, or responsible subordinates of the Tobacco department, and syndic, to examine whether the account books of merchants, of proprietors of haciendas, and other dealers, are legalized, that should they not be, the responsibility expressed in the same article may be rendered effectual.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 14th of September, 1827.

RAMON GARCIA ROJAS, President,  
JUAN A. GONZALES, D. S.  
MIGUEL ARCENIAGA, D. S.

## DECREE No. 17.

The Congress of the State of Coahuila and Texas, decrees as follows:—

ART. 1. All persons under criminal prosecution, now in prison, shall be set at liberty, except for treason, arson, assault and robbery of any kind, adultery, murder, and a repetition of offence in any kind of crime.

ART. 2. Likewise those under prosecution for manslaughter committed in self-defence, by accident, and persons not of a treacherous character, shall be set at liberty.

ART. 3. Convicts sentenced to a fortress for one year, or to public works for two, for crimes not excepted by this law, shall also be liberated.

ART. 4. This pardon shall be granted, notwithstanding the atonement which crimes should pay to public justice, as an example, but without injury to a third person, and in exclusion of those who shall have transgressed between this time and the publication of this decree.

ART. 5. Fugitives and absent persons, to avail themselves of this pardon, shall present themselves within 30 days from the publication of this decree to their respective municipalities. This decree shall be read in presence of the prisoners and convicts.

ART. 6. Criminals, deserving capital punishment for any crime whatever, and having fled from justice, who shall present themselves in 90 days from the publication of this decree, shall be exonerated from the said punishment, and subject to the greatest unusual penalty.

ART. 7. Those not deserving capital punishment, who shall present themselves in the same time, shall incur one half the penalty they ought to suffer according to law.

ART. 8. This law shall be published in this town on the morrow, and in the other towns of the State as early as possible.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 15th of September, 1827.

RAMON GARCIA ROJAS, President,  
JUAN A. GONZALES, D. S.  
MIGUEL ARCINEAGA, D. S.

## DECREE No. 18.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. At the expiration of six months from the publication of the Constitution in the capital of each district, a list of the slaves in the respective municipalities, their age, names, and sex, being distinctly expressed, shall be made in all the towns of the State.

ART. 2. Each Ayuntamiento shall keep a register, wherein they shall keep an account of children (Coahuiltexians) born of slave par-

ents, from the publication of the Constitution, giving notice to government every three months.

ART. 3. All deaths of slaves shall be noted down in said register, of which notice shall be given to government, as specified in the preceding article.

ART. 4. Those who introduce slaves, after the expiration of the term specified in article 13 of the Constitution, shall be subject to the penalties established by the general law of the 13th of July, 1824.

ART. 5. Slaves, whose owners have no heirs apparent according to the existing laws, shall be immediately free on the decease of their masters, and shall not pass to any other kind of succession whatever under any aspect.

ART. 6. The manumission mentioned in the preceding article shall not take place when the master, or his heirs, are poisoned or assassinated by one of their slaves; in that case they shall be subject to the provision of the laws.

ART. 7. In each change of owner of slaves, in the nearest succession, even of heirs apparent, the tenth part of those who are to pass to the new owner, shall be manumitted; the said portion to be determined by lot, before the Ayuntamiento of the municipal district.

ART. 8. Children and parents by adoption shall not mutually inherit slave property.

ART. 9. The Ayuntamientos, under their most rigid responsibility, shall take particular care that free children, born of slaves, receive the best education that can be given them: placing them, for that purpose, at the public schools and other places of instruction, wherein they may become useful to society.

ART. 10. Ayuntamientos that shall not be faithful in the fulfilment of this law, shall suffer a fine of five hundred dollars, which the Executive shall order appropriated to the benefit of public schools.

ART. 11. This law shall be first published in this town on the morrow, and in the other towns on the day following the receipt thereof. The same shall be re-published annually on the 16th of September until the year 1840.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 15th of September, 1827.

RAMON GARCIA ROJAS, President.

JUAN A. GONZALES, D. S.

MIGUEL ARCINEAGA, D. S.

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DECREE No. 19.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. When the Vice Governor takes the place of the Governor, from impossibility on the part of the latter, he shall receive two-thirds of the difference in the salaries assigned these offices.

ART. 2. The same shall be observed when a Councillor takes the place of the Governor from default of the latter and of the Vice Governor.

ART. 3. The substitute, whom the Vice Governor shall appoint as provided in article 116 of the Constitution, should he receive a less salary out of the State rents than the Vice Governor, shall be paid two-thirds of the difference, and should he receive none, two-thirds of the entire salary of the Vice Governor.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 18th of September, 1827.

RAMON GARCIA ROJAS, President.

JUAN A. GONZALES, D. S.

MIGUEL ARCINEAGA, D. S.

This decree was returned by the Governor, and amended by Congress on the 16th of October, and shall be observed as rectified on that date.

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DECREE No. 20.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. A sub-receivers office of excise duties shall be established in the hacienda de Parras.

ART. 2. The person entrusted with the same shall also have charge of the branch cigar store, and stamped paper, and shall see to the collection of the other State rents within his respective limits, and that there be no smuggling in any department belonging to his charge.

ART. 3. Said officer shall be appointed by the Executive, who shall see that he gives security to the amount of two thousand dollars for the faithful management of the funds and stock committed to his charge.

ART. 4. For the present, he shall be under immediate subjection to the chief agent of the Tobacco department, and the receiver of excise duties of Parras in their respective departments, and shall receive as a compensation for his services the same percentage as the sub-receivers and agents of branch cigar establishments.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 2d of October, 1827.

JOSE M. de CARDENAS, President,

JUAN A. GONZALES, Sec'y Supletory,

JOSE I. SANCHES, D. S.

DECREE No. 21.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. Leon R. Almy, George A. Nixon, and John L. Woodbury, are hereby declared citizens of the State of Coahuila and Texas.

ART. 2. The Executive shall issue them the corresponding letters of citizenship.

For its fulfilment, the Governor of the State, shall cause it to be printed, published, and circulated.

Given in Saltillo on the 10th of October, 1827.

JOSE M. de CARDENAS, President,  
MIGUEL ARCINEAGA, D. S.  
JOSE I. SANCHES, D. S.

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DECREE No. 22.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The Executive shall solicit contractors to open wagon roads in places where there are none.

ART. 2. Provisionally, the opening of the following roads shall be undertaken, to wit:—That leading from the town of Guerrero, in the district of the same name, to Laredo; that from Santa Rosa to the Presidio del Norte by way of the Alameda; and that from this capital to Parras by way of Infiernillo, or any other more convenient route.

ART. 3. The contractors shall enter into articles of agreement with the Executive to indemnify themselves for their expense with the product of the toll; and so soon as the said expenses, being the amount in which they pledge themselves to complete the undertaking, shall be covered, the toll thenceforth arising shall pay the profits on the capital as agreed on by the Executive with the said contractors.

ART. 4. The contracts made by the Executive shall not go into effect until approved by Congress, to whom they shall be immediately transmitted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 12th of October, 1827.

JOSE M. de CARDENAS, President,  
MIGUEL ARCINEAGA, D. S.  
JOSE I. SANCHES, D. S.

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DECREE No. 23.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. In haciendas and ranchos containing a population of more than five hundred souls, the respective electoral meetings or juntas shall choose a commissary of police and a syndic.

ART. 2. Besides the powers allowed them by article 156 of the regulations for the financial administration of the towns, the commissaries shall possess the attributes prescribed to the constitutional Alcaldes by articles from 1 to 9 inclusive of section first of the law regulating the administration of justice, No. 39.

ART. 3. They shall also officiate as peace officers in entire conformity to the aforesaid law, No. 39, furnishing the parties with the copies they shall request; but, the latter to establish a trial by writing, shall effect it before the respective Alcaldes.

ART. 4. Superintendents; stewards, and subordinates receiving a salary, belonging to haciendas and ranchos, shall not be commissaries of the same.

ART. 5. Tenants and residents, or persons seeking a support by following some pursuit therein, may be elected commissaries and syndics; and in case there are no such persons, the individuals mentioned in the preceding article may be elected, with the exception of superintendants.

ART. 6. In haciendas belonging to several owners, the same may be elected commissaries and syndics, provided they possess the constitutional qualifications.

ART. 7. Doubts that arise at the electoral meetings with respect to these elections, shall be decided by the said meetings.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 13th of October, 1827.

JOSE M. de CARDENAS, President,  
MIGUEL ARCINEAGA, D. S.  
JOSE I. SANCHES, D. S.

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DECREE No. 24.

The Congress of the State of Coahuila and Texas, to decide the doubts proposed for consultation by the president of the tribunal of justice through the channel of the Executive, has thought proper to decree:

ART. 1. The first and second halls, without distinction, shall take cognizance in all cases prescribed to the former by article 62 of the law regulating the administration of justice.

ART. 2. In civil and criminal cases, cognizance shall be taken in appeals by the hall which the appellant shall designate when the appeal is made.

ART. 3. Criminal causes that do not come directed to a particular hall, shall be equally distributed to both by the minister of the third.

ART. 4. The respective hall that did not decide in the first stage, shall take cognizance in the new trial.

ART. 5. Articles 57 and 62 of the law regulating the administration of justice, No. 39, so far as they are opposed to this decree, shall be repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 13th of October, 1827.

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DECREE No. 25.

The Congress of the State of Coahuila and Texas, in attention to the subject proposed in consultation by the minister of the tribunal of justice, through the medium of the Governor, on the 11th of September last, relative to the explanation of article 56 of law No. 39, regulating the administration of justice, has thought proper to decree as follows:—

ART. 1: When two or more criminals are joined in any cause each one shall nominate two judges as colleagues.

ART. 2. The criminals shall choose by absolute majority of vote from the whole number of colleagues nominated. Should none receive such majority, those shall run who receive the greatest number. Should there be a tie, the balloting shall be repeated once only—and should there again be a tie, it shall be determined by lot.

ART. 3. The following persons shall not be colleagues,—the Deputies of Congress of the State, the Governor, Vice Governor, Councillors, Secretary of State, military men, ecclesiastics, or any other privileged person; neither shall any individual be a colleague who has betrayed the public trust, even should he be re-qualified.

ART. 4. Should a complaint or accusation arise against any Alcalde, or inferior judge, the tribunal united shall declare whether there be a just ground of action.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 22d of October, 1827.

JOSE M. de CARDENAS, President,  
JUAN A. GONZALES, D. S. Supletory,  
JOSE I. SANCHES, D. S.

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DECREE No. 26.

The Congress of the State of Coahuila and Texas decrees as follows:—

ART. 1. Leon R. Almy shall be permitted to introduce and establish in the State a boring machine to cause water to flow spontaneously upon the surface.

ART. 2. For the term of six years, from this date, no other person shall establish machines of this description, without the previous consent of the said Almy, that he may indemnify himself for his expenses, and receive the compensation he deserves for his trouble.

ART. 3. Should he not have introduced and established the said machine at the expiration of one year, he shall forfeit the exclusive privilege granted him in the foregoing article.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 22d of October, 1827.

JOSE M. de CARDENAS, President,  
JUAN A. GONZALES, D. S. Supletory,  
JOSE I. SANCHES, D. S.

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DECREE No. 27.

The Congress of the State of Coahuila and Texas, in attention to the despatch of the affairs that are pending, and exercising the power granted the same by article 19 of the Constitution, decrees:

The sessions shall be prorogued one month.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 30th of October, 1827.

JOSE F. MADERO, President,  
JOSE I. SANCHES, D. S.,  
JOSE A. NAVARRO, D. S.

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DECREE No. 28.

The Congress of the State of Coahuila and Texas, desiring, if possible, to put an entire stop so the smuggling of Tobacco, and to give the rent all the activity and growth of which it is susceptible, has thought proper to decree:

ART. 1. All smuggled Tobacco, seized in the State, shall be confiscated, and after its quality is examined, the value thereof shall be distributed according to the confiscating compact, previously deducting the 25 per cent. duty prescribed in favor of the State rent.

ART. 2. The smuggler, for the first offence, besides loosing the Tobacco, shall pay twenty-five dollars fine for every twenty-five pounds seized upon him, and should he not have money to pay the said fine, one month in the public works shall be substituted as a punishment equal to every ten dollars; said corporal punishment, whatever be the quantity of Tobacco smuggled, shall not exceed four years. Should he repeat the offence, he shall be sentenced to a fortress for six years.

ART. 3. Should the Tobacco be of a bad quality, it should be burnt, and the smugglers fined twelve dollars for every twenty-five pounds, in other respects conforming to the preceding article; and the informer shall be requited with twenty-five dollars out of the State funds.

ART. 4. That the articles 2d and 3d be duly and punctually complied with, the judges, whose duty it is according to the existing laws to declare the confiscation, shall previously take the proper steps within the peremptory term of forty-eight hours, whatever be the quality of the smuggled Tobacco, and make the declaration within the said term, conforming to the provision of the articles aforesaid in the application of the punishment, which, whether corporal or pecuniary, shall be executed according to the amount and quality of the Tobacco smuggled.

ART. 5. Judges and officers who shall be unfaithful in the fulfilment of this law, shall be responsible to the provision of article 12 of Decree No. 7, issued on the 27th of August last.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 2d of November, 1827.

JOSE F. MADERO, President,  
JOSE I. SANCHES, D. S.  
JOSE A. NAVARRO, D. S.

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DECREE No. 29.

The Congress of the State of Coahuila and Texas decrees as follows:

ART. 1. The town of Saltillo shall be called the city of Leona Vicario.

ART. 2. The name of the town of Estevan de Tlascala shall be changed to that of Villalongin.

ART. 3. In all public instruments, and other writings, official and private, the names designated in the preceding articles shall be used.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 15th of November, 1827.

JOSE F. MADERO, President,  
JOSE I. SANCHES, D. S.  
JOSE A. NAVARRO, D. S.

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DECREE No. 30.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. For the better security and distribution of the funds of the public revenue, a vault shall be established, to be styled *Treasury of the*

*State of Coahuila and Texas*, wherein the products of all the rents and taxes of every description, that are now, or shall be hereafter, established to pay the proportion belonging to the State of the general expenditures of the Republic, and to cover the private disbursements of the said State, shall physically and vitally enter, deducting solely the expense of administration.

ART. 2. The office shall be composed of a general Treasurer, whose salary shall be twelve hundred dollars per annum: an accountant receiving five hundred, a clerk three hundred, and a porter ninety-six dollars per annum.

ART. 3. The treasurer shall be appointed by the Governor, and approved by Congress. To be a treasurer it shall be required to be a Mexican by birth, a native of or domiciliated in the State, having resided three years therein, and discharged some public office with honor.

ART. 4. The accountant shall be appointed by the Governor on a nomination of three by the treasurer. The treasurer shall freely appoint and remove the clerk and porter.

ART. 5. The attributes of the general treasurer shall be the same as those formerly exercised by the treasurers and accountants of the abolished coffers as ministers of the public revenue, so far as they are not opposed to the provision of this decree.

ART. 6. The treasurer shall have exclusive charge of all the funds that enter the treasury, and he alone shall be responsible for any faults that shall arise in the management and distribution thereof.

ART. 7. The treasurer general shall give bonds in the usual form for the faithful discharge of his duties, to the amount of eight thousand dollars.

ART. 8. He shall form, at the earliest possible period, a set of regulations for the internal administration of his office, and shall pass the same to the Governor, who, previously hearing the opinion of the council, shall present it, accompanied by his report, to Congress for approval.

ART. 9. The income of the treasury shall be distributed by the treasury itself, whether in specie or in warrants to places at a distance, agreeably to the monthly statement of presumed or pre-supposed expenditures, formed by the Governor in view of the general statement approved by Congress. A copy of the same shall be transmitted to the treasury for the purpose, signed by the Governor, and countersigned by the Secretary of State.

ART. 10. The treasurer general shall go on paying the sums contained in the statements of pre-supposed expenses by virtue of the order of the Governor, and no sum shall be paid not expressly or tacitly included in said statements, unless subsequently decreed by Congress, and ordered by the Governor to be executed.

ART. 11. The treasurer shall be responsible for the inobservance of the preceding article; but should the Governor order him to make any payment contrary to the provision made therein, he shall execute it, provided the order contain the following expression: *notwithstanding*

*ing it has not been decreed by Congress; whereby the responsibility shall rest with the governor alone.*

ART. 12. Chief agents, and any other officers or persons, who manage funds belonging to the public revenue of the State, shall make no payment or delivery of any sum except by virtue of an order or warrant from the treasurer general, and they shall be responsible for all acts in violation of the provision of this article. The corresponding expenses of administration only shall be excepted from the provision herein made.

ART. 13. The treasurer general shall suspend every month, and make an adjustment of funds and the statement as the existing laws provide, and the chief of department shall be present and authenticate the same, observing the forms prescribed by the said laws.

ART. 14. The treasurer shall forthwith pass the statement aforesaid to the Governor, who shall direct a copy thereof to Congress, or to the permanent deputation, and also order it to be published for the information and satisfaction of the people.

ART. 15. It shall be the duty of the said treasurer to exact of the chief agents the statements of adjustment of funds, and monthly and quarterly products, which shall be forwarded to him by said officers;— he shall also give notice to the Executive of any negligence he observes.

ART. 16. The treasury shall keep a common day-book or journal for a book of general account, with an index at the beginning, wherein all the departments composing the State revenue shall be set down as separate heads, taking the necessary leaves for the purpose, and leaving some in blank for noting any changes that may be made.

ART. 17. All amounts paid out shall be expressed in the said book under the proper head, on the date the payment is made; and the person interested, whether delivering or receiving, shall sign at the end of each amount.

ART. 18. The original book aforesaid, containing the general account of each year, having to be transmitted to the Governor, a copy of the same shall be taken to remain in the office for its defence.

ART. 19. Moreover, as many other books shall be kept as there are chief agencies charged with the collection of excise, stamped paper, impost on the exportation of money, and tax on silver. One shall be kept for the tax on Mustangs, and another for tithes and other branches of the State revenue.

ART. 20. The payments made by the chief agents and officers, and the charges that result against them from the statements it shall be their duty to transmit at the time of making their entries, shall be set down in the books aforesaid, expressing the date, and observing the same distinction as in the common journal or day book.

ART. 21. All the books shall consist of such number of leaves as shall be considered sufficient for setting down all the parcels or amounts that occur within one year; but the common journal shall be legalized

by the Governor's signature upon the first and last leaves, and the figure or rubrick of the secretary upon the rest.

ART. 22. The treasurer shall see that the different amounts are set down on the date they occur, without designing them for another day, to enable the Governor, as he shall deem proper, to make an extraordinary adjustment of treasury accounts, independent of the ordinary, which shall be made every month as provided in article 13.

ART. 23. On the day appointed for the ordinary suspension and adjustment, the treasurer shall have all the amounts in the common journal closed and signed, and the statement formed from those mentioned in article 15, wherein are manifested the amounts entered, and those paid out up to the day of adjustment.

ART. 24. The statement provided by the preceding articles shall comprise a distinct account of the departments that have caused the entries into the treasury, and of the distribution of expences; also a notice of the chief agents who have made the entries it belongs to them to make, and a note of those who shall have failed to make them.

ART. 25. Besides the adjustment of the treasury, or particular account of every month, the treasurer shall give a general account of the whole year, for which he shall forward to the Governor a statement drawn up in the same manner as the monthly, the original general day book, and all the necessary proofs for confirming the said account.

ART. 26. He shall take a receipt from the Secretary of State for the delivery of his annual account, and as soon as the said account is approved, he shall receive an adequate document or certificate to that effect.

ART. 27. The treasurer shall be amenable to the law of the 24th of March, 1813, for all the faults he shall commit.

ART. 28. On days of festival the treasurer shall dress in black, with a red sash trimmed with gold. In attendance on public ceremonies he shall take his seat with the Ayuntamiento.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 7th of November, 1827.

JOSE F. MADERO, President,  
JOSE I. SANCHEZ, D. S.  
JOSE A. NAVARRO, D. S.

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DECREE No. 31.

The Congress of the State of Coahuila and Texas has thought proper to decree:

In accusations made against the Assessor General for crimes in his office, the Tribunal of Justice shall take cognizance agreeably to the provision of article 197 of the Constitution, after the step is taken provided in article 4 of decree number 25, of the 22d of October last.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 7th of November, 1827.

JOSE F. MADERO, President,  
JOSE I. SANCHES, D. S.  
JOSE A. NAVARRO, D. S.

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DECREE No. 32.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The hacienda of San Vicente Alto is hereby constituted a town, to be called Abasolo.

ART. 2. The said town may establish its Ayuntamiento, proceeding immediately to the election in conformity to article 37, for the financial administration of the towns, given by the constituent Congress, to which the said Ayuntamiento shall conform in the exercise of its attributes.

ART. 3. The limits of the new municipality aforesaid, shall embrace the haciendas of San Vicente baxo, Saus, Tapado, Hermanas, Encinas, and Alamo; the ranchos of Oballos and Vorregas, and all others situated within the limits of the haciendas aforesaid.

ART. 4. The Governor shall see that the proper levels are assigned the new town, water, and suitable grounds for public buildings, and for all other establishments the law requires in new towns.

ART. 5. Judicial or administrative subjects, pertaining to the hacienda constituted a town, that are now pending in the primary courts of Monclova, shall be closed in the courts wherein they are at present placed, unless the parties interested agree to have them terminated in those of the new municipality, in which case they shall be permitted to do so, submitting to the provision of the laws.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in Saltillo on the 14th of November, 1827.

JOSE F. MADERO, President.  
JOSE I. SANCHES, D. S.  
JOSE A. NAVARRO, D. S.

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DECREE No. 33.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The Assessor General shall attend the general and weekly visits of prisons, provided in articles 98 and 99 of the law regulating the administration of justice.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 15th of November, 1827.

JOSE F. MADERO, President.

JOSE I. SANCHEZ, D. S.

JOSE A. NAVARRO, D. S.

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DECREE No. 34.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. A junta shall be established in the State to have the direction of the tythes. The Governor shall proceed to instal the same as early as possible.

ART. 2. The said junta shall consist of the Vice Governor, (who shall officiate as president,) the minister of the third hall of the Tribunal, the Treasurer, (who shall discharge the duties of accountant,) and two Ecclesiastics or secular persons, who shall be appointed, one by the venerable chapter of Monterrey, and the other by that of Durango. The president shall have the casting vote only. The Attorney General of the Tribunal shall officiate in the same capacity in the said junta.

ART. 3. The junta shall possess the same attributes as prescribed in the ordinance for intendants, so far as they are not opposed to the present form of government and this law.

ART. 4. The junta shall appoint a tythe agent in the district of Monclova, one in that of Parras, and another in that of Saltillo.

ART. 5. To be a tythe agent it shall be required to be a citizen of Coahuila and Texas, in the exercise of his rights, over 25 years of age, a Mexican by birth, and to enjoy no ecclesiastical or military privilege.

ART. 6. No agent shall proceed to any sale of chattels without previous notice of the junta. The latter shall furnish lists of prices for prizing the moveable property at the time it is gathered, and stock raisers shall not be compelled to deliver their stock, provided they pay for it at the price established.

ART. 7. Grain shall be sold by order of the junta, which alone shall appoint the time and place wherein it shall be sold; fruit and other perishable articles shall be immediately sold by the agents.

ART. 8. The agents shall remit to the junta, every four months, the entire amount produced by the sales; and the latter, immediately on the receipt thereof, shall order it conveyed to the treasury, to be deposited by the treasurer in a separate coffer, from which it shall not be taken for any purpose whatever, until the corresponding distribution and delivery is made to the persons who are to share the same.

ART. 9. Agents shall be prohibited from trafficking in grain during the term of their administration.

ART. 10. The agents of Monclova shall give bonds, for the faithful performance of their duty, in the sum of four thousand dollars, those of Saltillo and Parras eight thousand each; and all the said agents shall receive as a compensation eight per cent. of the nett proceeds, after deducting all expense.

ART. 11. The secretary's office shall consist of a secretary and a clerk; the former shall receive five hundred dollars, and the latter three hundred dollars salary, per annum.

ART. 12. The salaries mentioned in the preceding article, office expenses, cost of books and correspondence, as well as freight, shelling, granary, and other necessary charges, shall be defrayed by the gross tythe product of the State.

ART. 13. The junta shall give the tythe gatherers instructions, to which they shall conform in the collection.

ART. 14. The agents shall appear before the respective Alcaldes, that they may compel those persons to pay the tythes who refuse to do so voluntarily.

ART. 15. The agents, and their subordinate collectors, shall keep an account of the fruits they collect, in large books, the first and last leaves to be signed by the president of the junta, and the rest to be marked with the rubric of the secretary of the same.

ART. 16. The parcels delivered shall express the date of their collection, and contain the signatures of the persons by whom they were paid, or those who sign in their name in consequence of their not being able to write, also that of the Alcalde or commissary of the respective place.

ART. 17. At the end of every year, the agents shall make out the account of the whole collection made; specifying the fruits on hand, and those turned into money, and forward the same authenticated, to be revised by the junta, and approved should they be legal. They shall also forward all the original books, wherein the parcels are minutely and clearly manifested. Said books shall be made of paper stamped with the fourth seal.

ART. 18. The junta, in view of all the accounts, shall make out a general account, wherein the due distribution shall be expressed, and shall take two exact copies therefrom to be passed to the Governor, one to be kept by himself, and the other transmitted to Congress. A copy shall be communicated to the sharers of the accounts of the tythe districts in which they are interested.

ART. 19. The junta shall order a list made out of all persons who have paid tythes, specifying the article and amount paid, and, ordering the same printed, shall forward, through the channel of the respective chiefs of department, a sufficient number of copies to all the Ayuntamientos, to be posted in the most public places.

ART. 20. The agent, or his subordinate, who shall be guilty of breach of trust, besides disqualifying himself for being again entrusted, shall be tried according to the law of the 24th of March, 1813.

ART. 21. The junta shall draw up a set of regulations for the internal administration thereof, and through the medium of the Governor pass the same to Congress for approval.

ART. 22. Should any member of the junta be absolutely unable to attend, his voice shall be supplied by his immediate successor at the time.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 21st of November, 1827.

[The same Signers.]

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DECREE No. 35.

The Congress of the State of Coahuila and Texas decrees the following as additional articles to Decree No. 18 of the 15th of September last.

ART. 1. The slave who, for the sake of convenience, shall wish to change his master, shall be permitted to do so, provided the new master indemnify the former for what the slave cost him agreeably to the conveyance.

ART. 2. The manumission mentioned in the decree aforesaid shall not take place should the owner of the slave be assassinated or poisoned by an unknown hand, or die in any other unnatural way.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 24th of November, 1827.

[The same Signers.]

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DECREE No. 36.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The towns of Gigedo, Allende, Morelos, Roxas, Nava, and Guerrero, shall be permitted to cut timber on the Rio Sabinas for the term of three years, without paying the tax collected by the Ayuntamiento of Santa Rosa.

ART. 2. The municipality of the said valley shall see that the cutting be performed within the proper season for planting trees, and that those who are allowed the privilege comply with the provision of article 119 of the financial regulations of the towns.

ART. 3. Should any fire occur, through negligence, during the time of cutting timber, those who are culpable shall pay the damage agreeably to judicial estimate, and plant trees upon the extent of ground burned over.

ART. 4. Those who shall wish to cut the timber they need, shall previously give notice to the respective Ayuntamiento, that the same

may inform that of Santa Rosa, in order that the latter may take such measures as it shall deem proper to prevent disorder.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 24th of November, 1827.

[The same Signers.]

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DECREE No. 37.

The Congress of the State of Coahuila and Texas, in view of the difficulties manifested by some of the towns, through the channel of the Executive, in complying with the provision of articles 137 and 138 of the law No. 37, given by the constituent Congress, and desiring they may be better understood, decrees the following explanatory articles:—

ART. 1. Only those called natives, and their descendants by whatever lineage, shall be included in the distribution of lands and waters, mentioned in articles 137 and 138, of the law No. 37, of the 15th of June last.

ART. 2. In the distribution that shall be made of the said lands and waters, agreeably to the aforementioned articles, it shall not be requisite that the origin of those called natives be proved, but it shall suffice that in the use and profit of these pieces of arable land, in filling municipal offices, and in other labours, they have been considered as such, for awarding to them their corresponding portions, notwithstanding they may have been looked upon as appendant persons, from having been born in other towns, provided said towns are also composed of natives.

ART. 3. In respect to the families of day laborers, or domestic servants, who, having been employed in the service of those who were called natives, or deriving their origin from such, do not need the qualifications required in the foregoing article, their corresponding portion shall be awarded them of the farming tracts herein mentioned.

ART. 4. Doubts that arise upon this point shall be determined by the Executive, after receiving the reports of the Ayuntamiento and chief of the respective department.

ART. 5. The privilege granted in the last part of article 138, of the aforementioned law, to natives who have built houses, shall include other citizens who, not being natives, have acquired a legal right to this kind of securities.

ART. 6. The term assigned by the Executive for investigating the quantity of lands and waters of these participated possessions, and the number of families entitled to the same, having expired, the Executive shall establish another prudential and peremptory term for hearing persons excluded, and claiming to be aggrieved, which claims shall be decided administratively as provided in article 4. The latter term having closed, no further action shall be had upon the subject.

For its fulfilment, the Governor of the State, shall cause it to be printed, published, and circulated.

Given in Saltillo on the 26th of November, 1827.

JOSE F. MADERO, President,

JOSE I. SANCHES, Secretary.

JOSE A. NAVARRO, Sec'y.

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DECREE No. 38.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. All Spaniards, accused by public authority, shall leave the limits of the State within thirty days from the publication of this law.

ART. 2. All single men, of whatever trade, station, rank, or occupation, including those domiciliated since the Constitution of the State was adopted, even should they not be single, and married persons separated from their families, shall leave within the aforementioned term.—Those domiciliated thirty years in the Republic shall be excepted from the provision of the first part of this article.

ART. 3. No Spaniard shall settle in the State, or remain as a transient or traveling person, longer than three days in any town within the limits thereof, so long as Spain shall not acknowledge the Independence of this Republic.

ART. 4. At the expiration of the fifteen days from the term specified in article 1, the Ayuntamientos shall present to the Executive a list, accompanied by a duplicate, of those Spaniards who, not being comprised in this law, remain in the State; stating expressly their age, whether married, profession, trade, or occupation, and time of residence in the Republic. On receipt of the aforesaid lists, the Executive shall pass one of the same to Congress.

ART. 5. Those Spaniards, who agreeably to this law can remain in the State, shall appear on the first of every month before the local authorities, who shall examine the arms they have, not allowing them any other weapons than such as are customary and necessary for their personal defence, or to carry any others in public than a sword during the dangerous hours of the night. The local authorities shall inform themselves concerning the Spaniards who present themselves, and not suffer them to infringe this law in the slightest manner, and should they do so they shall be banished from the State.

ART. 6. Spaniards, who remain in the State, when they travel from one place to another therein, shall obtain from the respective local authorities a passport, in which a full description of the person shall be given, which they shall present to the authorities of the town of their destination. When they leave this State to go to another, they shall obtain the passport, with the same requisites, from the Governor.

ART. 7. The Ayuntamientos shall strictly observe the conduct, manifestation of sentiments, and carriage of the Spaniards; not permitting them, from this time, to hold any meeting in public places composed of more than three persons, and in private not even of this number.

ART. 8. Should certain information be received that any Spaniard or Mexican uses degrading terms in speaking of the actual form of government, or endeavors, even in an indirect manner, to bring it into disrepute, or shews subversive inclinations, he shall be apprehended, summarily tried, and placed at the disposal of the corresponding judge or tribunal, as may be desired.

ART. 9. The authorities who shall manifest the slightest reluctance to comply faithfully with this law, shall be removed from office, and disqualified for filling any other office for the term of five years, unless reinstated by Congress; and such shall moreover pay a fine of five hundred dollars, to be appropriated to the funds for public instruction in the State.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 27th of November, 1827.

[The same Signers.]

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DECREE No. 39.

The Congress of the State of Coahuila and Texas has thought proper to decree:

To be a member of the special tribunal mentioned in article 198 of the Constitution, besides the qualifications of education and probity, it shall be required to be a citizen in the exercise of his rights, over twenty-five years of age, born in the Republic of Mexico, domiciliated in the State, to hold no office in Congress, the Executive Council, or to be under immediate subordination to the Executive.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 4th of January, 1828.

JOSE F. MADERO, President,

JOSE M. CARDENAS, D. S.

JOSE M. ARTIA, D. S.

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DECREE No. 40.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Accusations tried before the tribunal of justice, against inferior judges or an assessor for crime of office, shall be despatched with-

in thirty days from the time the solicitation is presented, solely for it to be declared whether there is a just cause of action.

ART. 2. The accusations pending shall be despatched within the same term, to be reckoned from the publicaion of this decree.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 14th of January, 1828.

[The same Signers.]

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DECREE No. 41.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The Ecclesiastical divisions or offices, wherein the Executive is to exercise the prerogative according to article 10, of the law No. 37, for the financial administration of the towns, shall be for the present vicarial curacies, permanently established, with offices of principal and assistant sexton.

ART. 2. The Ecclesiastical authority of Nuevo Leon, being at present that of the greatest part of the State, and that of Durango, in so much of the State as belongs to that diocess, previous to appointing to the Ecclesiastical offices or divisions, which are now or shall be hereafter established in Coahuila and Texas, shall forward to the Governor a private and circumstantial list of the person or persons, with whom they are intended to be filled, stating the office wherein they are designated to be placed.

ART. 3. The Governor shall transmit the list privately to the council, for the same to report whether they consider any person or persons of the Ecclesiastics proposed, dangerous to the tranquility of the State.

ART. 4. The following shall be considered dangerous persons:—First, native Spaniards; second, those partial to a monarchical or central form of government; third, those evidently fanatics.

ART. 5. The Governor, in view of the report of the council, or from his own practical acquaintance, shall reject or admit the candidates.

ART. 6. Should the Governor and council not agree on the question, whether the Ecclesiastic or Ecclesiastics proposed are dangerous persons, the affirmative shall prevail.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 17th of January, 1828.

[The same Signers.]

DECREE No. 42.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Pauses for chanting the responses in funeral processions are hereby prohibited in the State.

ART. 2. Church festivals solemnized in the towns to Patron Saints (in effigy) or rather images, shall not be effected through captains or festival officers appointed by any authority or person.

ART. 3. Festivals made hereafter shall be by those persons who voluntarily choose, and shall not be preceded by any invitation.

ART. 4. Exhortations made by Curates in the pulpit to their parishioners, shall not be construed as a prohibited invitation.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 22d of January, 1828.

[The same Signers

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DECREE No. 43.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The inhabitants of the new Texas colonies, and of every other town whatever hereafter founded in the State, shall be exempted from complying with the stamped paper law for the term of ten years, as provided in article 32 of the colonization law of the 24th of March, 1825, except as regards titles to property and the formation of the books of each town, which shall be executed on the corresponding paper.

ART. 2. Said term shall be reckoned from the time the new towns are founded, and, with respect to those founded prior to the colonization law, from the publication of this decree.

ART. 3. The inhabitants of the towns mentioned in the foregoing articles, may use common paper, except in those cases to which the last part of article 1 refers, and the documents and all kinds of instruments, public and private, shall not be thereby rendered invalid or illegal, but they shall accomplish all the purposes for which they were intended.

ART. 4. Persons herein favored shall enjoy the aforesaid privilege only in those towns to which it is granted; in other parts of the State, they shall use stamped paper the same as other citizens.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 9th of February, 1828.

JOSE I. SANCHES, President,  
JOSE M. ARTIA, D. S.  
JOSE MARIA ECHAIS, D. S.

## DECREE No. 44.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The town of Gigedo shall for the present be the capital of the district of Rio Grande, without detriment to any arrangement made when the mail route through that quarter shall be changed.

ART. 2. All subordinate district chiefs hereafter appointed, who do not belong to the town assigned them for their future residence, shall receive 400 dollars per annum besides their present salary, and in all cases they shall be allowed one hundred and fifty dollars over the amount designated by article 85 of the financial regulations of the towns for expense of clerk and paper.

ART. 3. The Executive shall proceed, according to his powers, to have the mail route established through the towns of Gigedo, Allende, Morelos, Rosas, Nava, and Guerrero; also to have the post, of the time he spends in Rosas, make one days stay in Gigedo to collect all the letters, in order that they may have a better conveyance.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 21st of February, 1828.

JOSE I. SANCHES, President,  
JOSE A. NAVARRO, D. S. S.  
JOSE MARIA ECHAIS, D. S.

## DECREE No. 45.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

Should the election of any citizen for municipal charges become vacant, or not go into effect from illegality, or physical or moral impediment, new electoral meetings shall be holden, provided there be no other person chosen by any number of votes.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 21st of February, 1828.

[The same signers.]

## DECREE No. 46.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Exclusive privilege is hereby granted to John Lucio Woodbury and John Cameron, for the term of twenty-three years, reck-

oned from the publication of this decree, for working Iron and Coal mines in the State.

ART. 2. Within the aforementioned term, no person shall be engaged in working said mines without permission from said Woodbury and Cameron, with the exception of mines discovered and legally specified and claimed previous to the promulgation of this decree.

ART. 3. Should the persons aforesaid, at the expiration of the three first years from the concession, not have introduced the machinery and necessary utensils, and erected, in one of the departments of Coahuila and Texas at least, the proper buildings for working and elaborating the iron, they shall forfeit the privilege.

ART. 4. The persons to whom said privilege is granted may introduce professed artists for smelting or separating the metal; for common mining laborers they shall prefer the natives of the country.

ART. 5. The price of iron, of no regular shape and of superior quality, shall not exceed in the State five-eighths of a rial the pound.

ART. 6. The aforementioned persons shall undertake their labors agreeably to the mining ordinances, and at the close of twenty-three years, the term of the privilege granted them, all the mines shall be open to claim agreeably to the laws that are now or shall be hereafter enacted on the subject.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo the 25th of February, 1828.

JOSE I. SANCHES, President,  
JOSE M. ARTIA, D. S.  
JOSE A. NAVARRO, D. S. S.

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DECREE No. 47.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. His Excellency General Vicente Guerrero, who by his bravery has earned a name among his country's worthies, and his Excellency General Manuel Gomez Pedraza, the present Secretary of War, are hereby declared citizens of Coahuila and Texas.

ART. 2. The bust of the former shall be placed in the hall of sessions of Congress, at the right of the President's chair, and upon the pedestal the following shall be inscribed in letters of gold:—*Memento of gratitude of the first Constitutional Congress to the immortal Vicente Guerrero.*

ART. 3. The Executive shall order the provision of the foregoing article to be accomplished as early as possible.

ART. 4. The State of Coahuila and Texas gratefully acknowledges the important and signal services rendered by these illustrious military officers during the occurrences at Tulancingo.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 16th of March, 1828.

JOSE A. TIJERINA, President.

JOSE MARIA ECHIAS, D. S.

JOSE F. MADERO, D. S.

DECREE No. 48.

Rules of the Executive Council.

DECREE No. 49.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The exclusive privilege of introducing boats, propelled by steam or horse power, in that portion of the Rio del Norte that belongs to the State, is hereby granted to John Davis Bradbourn and Stephen M. C. L. Staples for the term of fifteen years, provided they render said river navigable at their own expence.

ART. 2. The enjoyment of said privilege shall commence from the time the aforementioned boats are first introduced.

ART. 3. During the said term of fifteen years no private tax, such as it is in the power of the State to levy on steam or horse boats shall be laid upon those belonging to the aforesaid undertakers, who, during the said term, shall be subject only to such taxes as are now or shall be hereafter established by general laws upon all vessels arriving in the ports of the Republic.

ART. 4. The empresarios, to whom the foregoing privilege is granted, may transfer the same, notifying the Executive Department of the State, and provided the persons to whom the transfer is made do not belong to a nation at war with the Republic of Mexico.

ART. 5. The aforesaid empresarios, of themselves, or through others, may colonize upon the borders of the aforementioned river all those lands belonging to the State which they consider necessary for establishing their own safety, and aiding themselves with timber and other utensils suitable for purposes of navigation, conforming to the general and private colonization laws.

ART. 6. Meanwhile, the undertakers examine the aforementioned river to ascertain whether it be susceptible of navigation, wholly or in part, the Executive, by means of the subordinate authorities, shall afford them all the protection within the compass of his powers, and shall interest himself and obtain from the general government, by request, that they be furnished with such military aid as their personal safety requires.

ART. 7. Should the said empresarios, or the persons acting in their stead, not fulfill their stipulation to put the navigation of the aforementioned river in successful operation in the term of two years, reckoned from the publication of this decree, they shall forfeit the rights granted them herein.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 12th of April, 1828.

JOSE M. CARDENAS, President,  
JOSE F. MADERO, D. S.  
NEPOMUCENO V. RECIO, D. S.

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DECREE No. 50.

The Congress of the State of Coahuila and Texas, viewing the embarrassments of the State treasury from want of funds to meet the most urgent expences, and wishing furthermore to prevent the difficulties that would result to the State authorities from their limited means, and even to the treasury itself in the event the necessary expences are not strictly and punctually paid with its existing funds, has thought proper to decree:

ART. 1. The office of Councillor is hereby suspended for the present, until the State is able to defray the expense thereof; and the Executive, in so far as it is his duty to consult the Council, shall proceed of himself, availing himself of the aid of the standing deputation during the recess of Congress.

ART. 2. The Vice Governor shall receive pay only when he officiates on account of death, sickness, or absence on the part of the Governor, and, while he is repairing to the capital, should he not belong there, the acting president of the Tribunal of Justice shall discharge the duties of Governor, providing a substitute to exercise his judicial functions agreeably to the law regulating the administration of justice.

ART. 3. The establishment of a treasury is hereby suspended for the present until the State has sufficient funds; the regulation and distribution of its expences continuing as heretofore, with the appointment of an additional clerk to assist exclusively in the accounts of this department.

ART. 4. The department and district chiefs, except the one in Texas, are likewise hereby suspended for the present in the exercise of their functions, and the Ayuntamientos of each shall communicate directly with the Executive through the channel of the first Alcalde.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 17th of April, 1828.

[The same Signers.]

## DECREE No. 51.

Rules for the internal administration of the Supreme Tribunal of Justice.

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## DECREE No. 52.

The Congress of the State of Coahuila and Texas, in consideration of the serious importance of some subjects pending, and wherein their decision is imperatively demanded, and exercising the power conferred by article 87 of the Constitution, decrees:

The present sessions are hereby prolonged the time required for coming to a proper decision upon the occurrences that have arisen from Decree No. 50, attending in the meantime to such other subjects in the secretary's office of Congress as are entitled to the preference.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 19th of April, 1828.

RAMÓN GARCIA ROJAS, President.  
NEPOMUCENO VALDES, D. S.  
MIGUEL ARCINEAGA, D. S.

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## DECREE No. 53.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Substitute deputies may hold any municipal office whatever of popular choice, and shall be replaced therein whenever they are called to discharge their duties in Congress in preference.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in Saltillo on the 30th day of April, 1828.

[The same Signers.]

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## DECREE No. 54.

FEE BILL FOR NOTARIES.

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## DECREE No. 55.

The Congress of the State of Coahuila and Texas, in attention to the prudent doubt proposed by the second Alcalde of this city, and with a view to facilitate the progress of business without delay or injury to reconciliation in the subjects that occur, has decreed as follows:

ART. 1. Every citizen of Coahuila and Texas, when chosen, and having no legal impediment in the opinion of the Alcalde, shall be obligated to serve as a colleague judge in the inferior courts of justice.

ART. 2. Any person who shall refuse to comply with the provision of the preceding article, shall incur a fine of from one to twenty-five dollars, according to the opinion of the judge, to be appropriated to the funds for public instruction; and the payment of the said fine shall not affect his obligation to comply with the charge conferred.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 3d of May, 1828.

[The same Signers.]

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DECREE No. 56.

The Congress of the State of Coahuila and Texas, attending to the deficiency of working men to give activity to agriculture and the other arts, and desiring to facilitate their introduction into the State, as well as the growth and prosperity of the said branches, has thought proper to decree:

All contracts, not in opposition to the laws of the State, that have been entered into in foreign countries, between emigrants who come to settle in this State, or between the inhabitants thereof, and the servants and day laborers or working men whom they introduce, are hereby guaranteed to be valid in said State.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 5th of May, 1828.

[The same Signers.]

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DECREE No. 57.

The Congress of the State of Coahuila and Texas, having considered the error committed in the secretary's office on communicating the Decree No. 48, in article 43 thereof, has thought proper to rectify said article in the manner it was approved, which is as follows:

ART. 43. Should one of the voters of the council preside at any of said ballotings on account of the death, or any other legal cause on the part of the original president, and there should not be a majority of vote the balloting shall be suspended until the next ordinary session, when it shall be repeated once only, and should there still be a tie it shall be decided by lot. To decide by lot, slips shall be cut precisely alike, whereon the names that are to be drawn shall be written by the secretary in presence of the president: and the tickets, having been folded alike and placed in an urn, shall be drawn by the officer of the secretary's office.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 6th of May, 1828.

[The same Signers.]

## DECREE No. 58.

Regulations of the local militia of the State.

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## DECREE No. 59.

The Congress of the State of Coahuila and Texas, anxious to facilitate the Governor of the State with the means of aiding the national Executive, in the critical circumstances in which he is placed, to repel the invasion preparing in Havanna by the tyrannical king of Spain for the re-conquest of Mexico, has thought proper to decree:

ART. 1. The Executive is hereby authorized to negotiate with the Governors of the mitre of Nuevo Leon and Durango, a loan of the amount in coin pertaining to the funds for maintenance and repairs and belonging to the Parish Churches in the State, and that belonging to the confraternities and other charitable establishments, without detriment to religious worship in the former, or to the fulfilment of the objects of the latter.

ART. 2. The amount of the confraternities and other pious legacies, mentioned in article 140 of law No. 37, and which therefore pertains to the Ayuntamientos, shall be annexed to the funds of the State.

ART. 3. So much of said funds, and those mentioned in article 1, as is taken upon rent redeemable at any time, shall be taken by the State in the same manner.

ART. 4. The Executive shall request of all the Ayuntamientos an exact account of all the laical deposites in their respective municipalities, and the same being collected within a prudential and peremptory term, he shall cause them to be added to the funds of the State, which insures the said funds as well as all the others in the manner herein specified.

ART. 5. The State hereby guarantees the loans, deposites, and capitals, which it receives upon rent, with its present rents and the proceeds of the lands granted to the colonists.

ART. 6. The Executive is also hereby authorized to open, through the proper channels, a subscription or voluntary donation, embracing all classes, sexes, and corporations; admitting, in lieu of money, property of every kind, or jewels that may be offered by females; taking care that the different kinds of property be turned into money, and to receive a list of the donors, shewing their donations; also, an account of the proceeds thereof, with the proper vouchers.

ART. 7. The Executive shall place the result of these means at the disposal of the general government, notifying Congress of the amount, and shall faithfully and punctually discharge the payments of interest and the capital which he receives in this manner by way of loan.

ART. 8. Ayuntamientos which from omission, or any other cause, give occasion for frauds in concealing, or retarding the delivery of the aforementioned sums, shall be answerable with their own property, and

should that not be sufficient, shall be suspended in the enjoyment of the rights of citizens for a term not exceeding three years.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 14th of May, 1828.

[The same Signers.]

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DECREE No. 60.

The Congress of the State of Coahuila and Texas has thought proper to decree:

All judicial subjects and suits instituted against securities situated in the State, shall be concluded in all their processes in the courts of the State.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 14th of May, 1828.

[The same Signers.]

Returned by the Governor on the 1st of September, 1828, and being reconsidered during the sessions of 1829, was rejected on the 4th of May of that year.

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DECREE No. 61.

The Congress of the State of Coahuila and Texas, having considered the subject proposed by the Executive, bearing date the 2d of April last, relative to elucidating article 3 of law No. 38, and desirous that the explanation may embrace other points, wherein it might be thought to conflict with the general law of the 20th of December last, has thought proper to decree:

ART. 1. When any transient Spaniard arrives at any place in the State, and from moral or physical impediments is, in the opinion of the Executive, unable to proceed on his journey, he may remain for such a length of time as the Executive shall deem proper.

ART. 2. Spaniards not comprised in the general law of exile of the 20th of December last, or in the private laws issued to the same effect by different States of the Republic, after proving the same, shall not be considered transient according to the meaning of article 3 of decree No. 38, and those in the former case shall shew furthermore that they have taken the oath prescribed in article 16 of the aforementioned general law.

ART. 3. Although the Spaniards mentioned in the foregoing article may remain in the State such time as the Executive shall think proper, to attend to their business and pursuits, such residence shall not give them the right of domicile, nor shall they acquire thereby any civil

or political rights, so long as Spain shall not acknowledge the independence of the Republic.

ART. 4. The Spaniards mentioned in the two foregoing articles, during the time they remain in the State, shall submit to the measures of policy contained in decree No. 38.

ART. 5. The Executive is hereby authorized to banish from the State all Spaniards who may remain therein agreeably to this decree, should he, after receiving a report from the local authority of the place of their residence, consider them dangerous persons.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 15th of May, 1828.

[The same Signers.]

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DECREE No. 62.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Article 39 of the colonization law, so far as it provides that commissioners shall be paid agreeably to the last fee bill of the ancient court of oyer and terminer of Mexico, shall be without value or force, and the provision of said article for designating the pay of surveyors, and manner it shall be done, shall be observed.

ART. 2. Said commissioners shall receive as a compensation for their labors in the ratio of fifteen dollars for every sitió of grazing land they distribute; two dollars for each labor of temporal land; and twenty rials for each labor of irrigable land, to be paid by the same families of settlers to whom the lands are awarded; and the said families shall be free from every other burthen on the part of the commissioner, with the exception of the stamped paper required for issuing their titles, and the formation of the respective books, which shall be at their expense.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 15th of May, 1828.

[The same Signers.]

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DECREE No. 63.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Without augmenting the twenty-three years privilege, which by article 1 of Decree No. 46, was granted to Jno. L. Woodbury and Jno. Cameron, for working iron and coal mines, the term prefixed by art. 3 of said decree for them to introduce and set up the machines, and build

workshops for separating the metal, is hereby prolonged them another year.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 22d of September, 1828.

JOSE I. SANCHES, President,

JOSE M. ARTIA, D. S.

MIGUEL ARCINEAGA, D. S.

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DECREE No. 64.

The Congress of the State of Coahuila and Texas, in fulfilment of the provision of article 78 of the Constitution, has thought proper to decree as follows:

ART. 1. The city of Monclova is hereby declared the capital of the State of Coahuila and Texas.

ART. 2. The Executive shall make proper provision for the future Congress to meet in the capital.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 25th of September, 1828.

[The same Signers.]

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EXECUTIVE DEPARTMENT OF THE STATE }  
OF COAHUILA AND TEXAS. }

The Governor of the State of Coahuila and Texas to all the inhabitants thereof: Be it known, that the Congress of said State has decreed as follows:

DECREE No. 65.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. All persons under criminal suit for simple homicide, where the prosecution is not urged by a third person, shall be set at liberty, and where it is, this pardon shall be understood only with respect to corporal punishment.

ART. 2. Those whose crime, according to the aggregate of the preparatory proceedings after the legal evidence is rendered, is not clearly shewn, shall likewise be set at liberty.

ART. 3. Those accused of treason, of any kind of sacrilege, revolutionary persons under any pretence, and those sentenced to mere pecuniary penalties to indemnify a third person, shall be excluded from this pardon.

ART. 4. This pardon shall cease in thirty days from the publication of this law in the respective district capitals.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 25th of September, 1828.

JOSE I. SANCHES, President,  
JOSE M. ARTIA, D. S.  
MIGUEL ARCINEAGA, D. S.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Leona Vicario, September 26th, 1828.

JOSE MARIA VIESCA.

JUAN ANTONIO PADILLA, Secretary.

DECREE No. 66.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The deficiency of the time of practice required by law for being admitted as a counsellor, on the part of Eleuterio Maria de la Garza, is hereby dispensed with.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 27th September, 1828.

[The same Signers.]

DECREE No. 67.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Debts contracted by hired servants with their masters, previous to the publication of this law, shall be paid in the manner and form they have bargained.

ART. 2. In future when a servant obtains employment, the contract he makes with his master shall be set down at the head of his account, wherein shall be manifested the manner he is to pay the debt he contracts; the agreement shall be authenticated by two witnesses, and signed by the same, the master, the servant if he can write, or another person in his name.

ART. 3. To rescind the contract mentioned in the foregoing article, the agreement of the parties shall be required.

ART. 4. Amounts ministered to servants, in part payment for their labor, shall be in money, or effects not exceeding the ordinary prices of the market; and both master and servant shall be entirely free, the one to furnish, and the other to accept.

ART. 5. In future no payment shall be made in advance to exceed what the servant can obtain as the reward of labor with the whole of one year's wages. Debts now pending, and supplies furnished to ser-

vants in their own sickness, or that of their families, shall be excepted from the provision of this article.

ART. 6. To idiotic servants no payment shall be made in advance exceeding ten dollars, without the knowledge of the Alcalde, or a person of known probity.

ART. 7. The master shall shew the servant his account as often as requested, and the latter may sue the former before the Alcalde, when he thinks himself aggrieved by illegality or any other cause.

ART. 8. In haciendas, agricultural ranchos, or any other establishments situated out of town, masters, superintendants and stewards, are hereby authorized to punish servants who fail in the faithful fulfilment of their duties, or disobey their superior, by arrest not exceeding four days, or with shackles for the same length of time.

ART. 9. When the master enters a complaint to the Alcalde, on account of the incorregibility of the servant, the Alcalde may punish him with shackles, or other correctional penalties, to cause him to return to his duty; observing, in these cases, the provision of articles 2, 3, and 4, of the law regulating the administration of justice.

ART. 10. Should the servant sue the master for excessive chastisement, the Alcalde shall terminate the suit after taking the course pointed out in the foregoing article, but shall not be permitted to exonerate the servant from the debt he owes his master.

ART. 11. The use of the whip for correcting servants shall forever be prohibited.

ART. 12. The master shall furnish the servant during sickness, according to his class, and on account of his labor, with the necessary sustenance and medicine. Should it not be convenient for the master to provide the servant with his sustenance, the latter may request it of another person, in the understanding that the value thereof shall be paid as a privileged debt.

ART. 13. Copies of this law shall be posted in the public places in all the towns of the State, and upon the doors of the chief houses of the haciendas and ranchos of the same.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 30th September, 1828.

JUAN A. GONZALES, President,  
JOSE MORELOS ARTIA, D. S.  
MIGUEL ARCINEAGA, D. S.

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DECREE No. 68.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The communications which, previous to Decree No. 50, were directed to the Vice Governor, and to the department and district chiefs, shall be transmitted, so long as they do not officiate, to the Governor of

the State, who shall preside all the acts the constitution prescribes to the former.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 30th September, 1828.

[The same Signers.]

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DECREE No. 69.

The Congress of the State of Coahuila and Texas, hereby enacts the following as additional articles to decree No. 58.

ART. 1. Of the corps and companies of local militia, assigned by article 9 of the regulations on the subject, as indispensable force of the State, one squadron of cavalry is hereby suppressed.

ART. 2. The fractions mentioned in articles from 16 to 21 of said regulations, may be organized not only in pickets, thirds, halves, and whole companies, as therein provided, but also in squadrons and battalions, should their number and force reach that required for forming said corps.

ART. 3. The requisite of being a Mexican by birth to discharge the duties of militia officer is hereby abolished.

ART. 4. The civil functionaries, mentioned in exception fourth of article 95, shall be the public officers, civil and political, of the State, of whatever character, station, office or trust, during their continuance in office.

ART. 5. The form of the oath which constitutes the substance of article 113, shall be reduced to the following:—You solemnly swear, in the presence of God, to use the arms, the country places in your hands, in defence of her independence, of the constitution of the Republic, and that of the State.

ART. 6. To the oath taken by the soldiers the following words shall be added, “faithfully to obey the officers you have chosen, and to respect the lawfully constituted authorities.”

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 30th September, 1828.

[The same Signers.]

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DECREE No. 70.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The lands acquired by virtue of colonization law, whether general laws of the Republic or private laws of the State, by native or foreign colonists, and by empresarios, shall not be subject to the pay-

ment of debts contracted previous to the acquisition of said lands, from whatever source the said debts originate or proceed.

ART. 2. Until after the expiration of twelve years from having held legal possession, the colonists and empresarios cannot be sued, or incommoded by the judges, on account of said debts.

ART. 3. After the expiration of the term prefixed in the foregoing article, although they may be sued for said debts, they shall not be obligated to pay them in lands, implements of husbandry, or tools of their trade or machines, but expressly in fruits or money in a manner not to affect their attention to their families, to their husbandry, or art they profess.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 13th of January, 1829.

[The names of the signers not mentioned in the book.]

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DECREE No. 71.

The Congress of the State of Coahuila and Texas, having attended to various difficulties, manifested by different Ayuntamientos through the channel of the Executive, in strictly complying with article 143 of the financial regulations of the towns, and wishing on their part to prevent all doubt in relation to said articles, in explanation thereof has thought proper to decree as follows:

ART. 1. The Ayuntamientos, on the receipt of this decree, with the concurrence of the curate of each town, shall proceed to comply with the provision of article 142 of the law No. 37, of the 13th of June, 1827, examining the documents in order to investigate the manner of establishment of the funds of the confraternities and other charitable legacies mentioned in said article; should they find the same to be legal, they shall comply with the provision of the said article.

ART. 2. The parish curates shall be obligated to present the bonds or instruments of establishment immediately; and should they refuse to do so within the peremptory term of thirty days, after being notified by the first or by the sole Alcalde of each town, the Ayuntamiento shall set aside the establishment as having taken place in an illegal manner: and shall provide that the funds of the confraternities, or other funds established for pious purposes, the instruments of establishment or legacy whereof are not presented, or do not appear, be immediately placed with their municipal funds; and the plea of their having been lost, or misplaced, shall be of no avail.

ART. 3. The term of one year shall be granted to parish curates to present therein the accrediting documents of the confraternities, or charitable legacies, the funds whereof are taken by the Ayuntamientos by virtue of the preceding article; and should it appear by said docu-

ments that the donation or legacy is legally founded, the funds that have been taken shall be restrained.

ART. 4. Should any dispute arise from the presentation of these instruments or titles, relative to the establishment of the confraternities or legacies, between the parish curate and Ayuntamiento, the one sustaining that they are legal, and the other that they are not, the respective judicial record shall be drawn, expressing the grounds each one has for sustaining his object and pretension, and forwarded through the channel of the Alcalde to the Assessor General of the State, for him to decide thereon according to law.

ART. 5. From said decision an appel may be had to the tribunal of justice, conceded, as the case may be, by the law No. 39, of the 21st of June, 1827, regulating the administration of justice.

ART. 6. The expense incurred by the Ayuntamiento in these cases, shall be defrayed out of the municipal funds after the account is legally proved.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 21st of January, 1829.

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DECREE No. 72.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The expression, *until Congress appoints another*, contained in art. 69 of the organic law for the administration of justice, shall be understood only in relation to the death of the officers *proper*, mentioned in the same article.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 29th of January, 1829.

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DECREE No. 73.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The fortress of La Bahia del Espiritu Santo, in the department of Texas, may be called the town of *Goliad*.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 4th of February, 1829.

DECREE No. 74.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Every military man, retired from service, receiving pay for his services, and having no other occupation or emolument in the State, shall be exonerated from paying the assessment, which, as exempt from the service of the civic militia, he is required to pay, agreeably to article 98 of the law on the subject, No. 58, regulating the civic militia of the State.

ART. 2. The military men retired from service, mentioned in the preceding article, who follow any industrious pursuit, or possess any kind of property, besides the pay allowed to those of their class, shall be obligated to pay the tax designated in the aforementioned article 98.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in the city of Leona Vicario on the 4th day of February, 1829.

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DECREE No. 75.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

James Power is hereby declared a citizen of the State; in pursuance thereof, the Executive shall order the letter of citizenship to be issued in his favor.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 6th of February, 1829.

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DECREE No. 76.

The Congress of the State of Coahuila and Texas, in attention to the difficulties manifested by the tribunal of justice, with regard to the true construction of article 4, law No. 25, of the 22d of October 1827, has decreed as follows:

The voice of Alcalde, which article 4, law No. 25, of the 22d of October, comprises, shall have reference to the judicial acts wherein said functionaries take cognizance as primary judges.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 6th of February, 1829.

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DECREE No. 77.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The Executive, with the concurrence of the ecclesiastical authority of the State, shall proceed to request, as an aid, of the bishops of the

Republic, the secular or regular ecclesiastics required for curates in the new towns of the department of Texas.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 12th of February, 1829.

JOSE M. CARDENAS, President,

JOSE I. SANCHES, D. S.

JUAN N. DE LA PENA, D. S.

DECREE No. 78.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Two years in addition to the term assigned by article 8 of the colonization law of the 24th of March, 1825, are hereby granted to John L. Woodbury to enable him to carry into effect the contract ratified with the Executive of the State on the 14th of November, 1826.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 12th of February, 1829.

[The same Signers.]

DECREE No. 79.

The Congress of the State of Coahuila and Texas decrees the following as additional articles to Decree No. 3, of the 31st of July, 1827.

ART. 1. The two per cent., established by Decree No. 3, on the exportation of coin, shall be paid, whatever be the amount exported.

ART. 2. The amount which the Alcaldes and officers, in whose presence the aforementioned payment shall be made, agree and determine upon as necessary for travelling expenses, shall be excepted from the payment aforesaid.

ART. 3. The sum excepted may be from one to three hundred dollars, which it shall not exceed; and the passport, required by article 7 of the aforementioned law, shall be previously obtained.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 26th of February, 1829.

DECREE No. 80.

The Congress of the State of Coahuila and Texas, to explain some doubts that have been agitated relative to the true meaning of Decree No. 28, of the 2d of November, 1827, has thought proper to decree the following as additional articles to the aforementioned decree.

ART. 1. The twenty-five dollars fine, imposed on smugglers of tobacco by article 2 of Decree No. 28, shall be added to the State rents.

ART. 2. The reward, designated by article 3 of the aforesaid decree, shall be delivered entire to the informer when the tobacco to be burned exceeds sixty-two and a half pounds, and should the tobacco seized be of a less quantity, he shall be rewarded with eight dollars, also out of the funds of the State.

ART. 3. The course provided in article 4 of the aforementioned decree, for investigating the crime of smuggling and inflicting the punishment prescribed, shall be that marked out by Decree No. 7, relative to thieves; the duties to be determined by the Alcalde, agreeably to article 8 of the confiscation compact, circulated on the 6th of December, 1822, should the value of the tobacco permit; and if not, the proceedings shall be conducted officially.

ART. 4. Receivers of smuggled tobacco shall be subject to the same trials and penalties as smugglers, and each one shall suffer them of himself, whatever be the number.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 26th of February, 1829.

[The same Signers.]

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DECREE No. 81.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Permission is hereby granted to establish in this city a confraternity, styled Santo Entierro.

ART. 2. A set of internal regulations shall be drawn up, which through the channel of the Executive, shall be transmitted to Congress for approval.

ART. 3. A scheme reducing the contributions of the brothers to a regular co-operation, regulating the manner of their collection, custody and distribution: also the attendance on public ceremonies, and appointing the periods for the meetings, shall constitute the basis of these regulations.

ART. 4. The meetings of the members of the confraternity shall always be public, and shall be presided by one of the Alcaldes, or by the Regidor, whom the Ayuntamiento shall designate.

ART. 5. No civil or political subject shall be agitated in said meetings, nor shall it be permitted to molest those who do not join the confraternity, or who belong to another, and under no pretence shall scapularies, girdles, or any thing else called relics (of saints) be established.

ART. 6. Members who avail themselves of the occasion of the meetings to promote the discussion of civil or political subjects, shall incur the penalties prescribed in article 2, of the decree of the general Congress of the 25th of October, 1828.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 12th of March, 1829.

RAFAEL MANCHOLA, President.

JUAN N. de la PENA, D. S.

JOSE MARIA ARAGON, D. S.

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DECREE No. 82.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. A rent of two hundred dollars per annum shall be paid for a building, to be occupied by the Agency of the state revenue.

ART. 2. Said rent shall commence from the time the building, which the community may furnish, shall be opened as a Custom House—the building to be sufficiently large for depositing therein all kinds of cargo that may have been delayed from any cause, or for which the duties are not paid.

ART. 3. Every half mule load; of whatever kind, size and condition, that shall remain deposited in the custom house over five days, on being removed, shall pay one, two and three quarter rials storage, agreeably to the following rule: a half load, the value whereof does not exceed from one to thirty dollars, shall pay one quarter rial; from thirty to one hundred, two; and exceeding that amount, three quarter rials.

ART. 4. After the completion of the first five days mentioned in the preceding article, the cargo that remains in the custom house shall be taxed at the rate of two quarter rials a month, storage.

ART. 5. In a separate book the Agency shall keep an account of the product of the aforementioned storage, specifying the partial or separate amounts thereof.

ART. 6. The owners of cargo consisting of wool, brown sugar, cotton, hides and salt, that cannot be deposited in the custom house for want of space, shall be permitted to store the same in private houses, previously furnishing the respective bill of lading, and security for the duties.

ART. 7. Cargo, that is not deposited in the custom house for the reasons mentioned in the preceding article, shall be exempted from paying tax of storage.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 14th of March, 1829.

[The same Signers.]

## DECREE No. 83.

The Congress of the State of Coahuila and Texas, in view of the declining state of its internal trade, occasioned in a great measure by the influx of foreigners in the market, and wishing to prevent as far as possible the ruin of those of their constituents who follow this pursuit, and find business to be paralyzed; also to give an impulse to their trade, has thought proper to decree as follows:

ART. 1. For the present, and until congress shall regulate commerce with foreign nations generally, merchants coming from those, which have not ratified treaties with Mexico, shall be prohibited from retailing goods in any town in the State; being permitted to sell at wholesale only, for cash or on credit.

ART. 2. Individuals from nations with which Mexico has ratified treaties, proving to the local authorities their origin, and that of the merchandise they introduce, with the respective passports to the consuls general of their own nation, and other documents the laws do now, or shall hereafter prescribe, shall be excepted from the provision of the preceding article.

ART. 3. The Alcaldes and Empresarios of the colonies of the state shall give the colonists in their respective limits a certificate for a limited and sufficient time, in order that they may be considered as Mexicans.

ART. 4. Those who, on commission or as clerks, retail the goods of any foreigner not favored in this law, shall be subject to the penalties it imposes on the transgressors, and may be informed against by any individual of the town, before the respective Alcalde.

ART. 5. Any foreign or native merchant, who shall transgress this law, shall incur a fine of five hundred dollars, which the Alcalde of the respective municipality shall cause him to pay, with power to destine him six months to public works, if, after the corresponding investigation, he has not wherewith to satisfy the fine.

ART. 6. Said fines shall be paid to the informer, and to the funds of the Ayuntamiento where they are collected, one hundred dollars each; the remainder to the funds of the state:—should no informer intervene, the part assigned such person, shall belong to the Alcalde, who conducts the case officially, and the costs shall be divided in proportion to the amount of each share of the fine.

ART. 7. This law shall go into effect in ninety days from its publication, and the local authorities shall be responsible for any unfaithfulness in the fulfilment thereof.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 2nd of April, 1829.

[The same Signers.]

Returned by the Executive with his remarks thereon on the 2nd. of April 1829, and being amended, was again transmitted, bearing No. 91 on the 13th of May of the same year.

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DECREE No. 84.

The Congress of the State of Coahuila and Texas, has thought proper to decree the following as additional articles to the internal regulations, No. 32, of the 7th of April, 1827.

ART. 1. Congress shall appoint four secular persons from their own body, whose duty it shall be to sit as grand jury, one of whom shall not have a vote, and shall act as Secretary.

ART. 2. The jury shall take notice of the grounds of the complaint or accusation, may hear the complainant to see if he has any further explanation to make, and shall furthermore make such legal investigation as the same shall deem necessary for determining the fact.

ART. 3. The record being formed as promptly as possible, the jury shall cite the accused to hear his plea or answer, which shall be taken down by the Secretary.

ART. 4. This step being concluded, the committee shall write their report and notify congress therewith, which, appointing a day for discussion, shall summon the accused to appear, to give him an opportunity to make further explanation; and the accused then retiring, congress shall proceed to the discussion, in public or private session as the same shall agree, and shall declare whether there be a just cause of action.

ART. 5. Should congress resolve in the affirmative, all the antecedents shall be transmitted to the corresponding tribunal, for the same to act according to law.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 24th of March, 1829.

[The same Signers.]

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DECREE No. 85.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The chief agent of the state excise rent is hereby authorized to contract equal payments at specific periods for the duties resulting from all effects, fruits and crops of the owners of haciendas, ranchos and bakeries, which they introduce to be sold or manufactured in the towns not exempted from duties.

ART. 2. Said contracts shall commence from the publication of this decree, and be taken out so soon as a systematic plan of revenue is

formed, to be renewed every year on the last of December, whether in augmentation or diminution of the respective monthly amount, as the agent shall judge proper.

ART. 3. The aforementioned contracts shall be written down in a book, to be kept for that purpose, and signed by the persons interested, and agent of the rents.

ART. 4. Contractors, against whom any abuse shall be proved, in permitting or authorizing any effects to be introduced under their names shall be treated as thieves, and the fine and other penalties prescribed, as the case may be, by articles 1, 2, 3, 4 and 5, of law No. 7, shall be inflicted upon them as such.

ART. 5. The agents of the state rents shall be obligated to observe the two preceding articles, under their most rigid responsibility, and penalty of losing their office, should bribery, subornation, or any other partiality they exercise to the injury of the concerns they manage, be proved against them—and shall furthermore be subject to the penalties they deserve according to the laws and circumstances.

ART. 6. The Executive shall cause the agent to proceed immediately to collect the duties resulting from fruits, crops, flour &c., introduced from the beginning of 1824, until the present by the owners of haciendas, ranchos, or bakeries without effecting the corresponding payment according to law.

ART. 7. For the collection provided in the preceding article the agents of the rents shall conform, either to the amount of equal periodical payments established until the end of 1824, or to statements the persons interested shall present him with their signature, wherein the introductions they have made during the whole of this period shall be duly manifested.

ART. 8. The Executive shall give notice to congress as soon as the duties in arrears are collected, manifesting the amount, endeavoring to do so before the close of the sessions.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 26th of March, 1829.

[The same Signers.]

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DECREE No. 86.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Debts contracted by servants, or by their masters with them, shall be paid in the manner and form they have bargained, with the exception of those of the following article.

ART. 2. Joint accounts between two or more servants, even should they be father and sons are hereby absolutely prohibited, and those now

in said form shall be settled on the publication of this law and the debt or credit resulting shall be divided among the individuals comprised in the account—in proportion to the wages they obtain for their labor, and in future the respective account of each shall be separately kept, agreeably to the provision of this law.

ART. 3. Masters shall take care in future to retain one-third of the wages of each of their servants, to be placed to their credit in their respective accounts, and they shall be exonerated from this retention, only in cases of serious sickness, or absolute nakedness of the servant and his family, when they shall be supplied with what is absolutely required.

ART. 4. Should there be any failure to comply with the provision of the preceding article, the transgressor shall be sentenced to loose the part he did not retain, which shall be placed to the credit of the servant.

ART. 5. Every servant, who solicits employment, at the time of making his contract, shall present a paper proving the amount he then owes, also his conduct as a citizen and as a servant; said document shall be signed, either by his former master, by the judge, or by a citizen of known probity. The debts shall be paid directly from master to master as they shall agree, it being prohibited only to be through the medium of the servant newly employed, without which requisites no bargain whatever shall be legal.

ART. 6. Contracts made between masters and servants shall be expressed in the plainest manner at the head of the respective accounts.

ART. 7. Grain or provisions promised to servants as rations shall be supplied them in the natural state or kind, without any alteration, and only when the master is sick shall they be charged with the value thereof—should the master not see fit to let them have it gratis.

ART. 8. Provisions or effects supplied to servants on account of their labour shall be charged at the current prices of the market.

ART. 9. The master who transgresses the preceding article, charging his servant an excessive price for what he supplies him, shall be fined five times the amount of his fraud, to be declared by the Alcalde after proving the fact; one-fifth of the fine shall go to indemnify the servant, and the remainder shall be added to the municipal funds.

ART. 10. Minors shall be placed in employment by their respective parents, or relatives on whom they depend, the former having a right to the fruit of the labor of their children, and relatives to the management thereof without detriment to the subsistence of the minors.

ART. 11. Masters and superintendents may chastise their servants for any faults they commit, treating them in so doing in a parental manner.

ART. 12. Any person, who transgresses the preceding article by excessive chastisement, shall be compelled to pay the damage agreeably to the result of a competent trial, summary or conciliatory, and shall

furthermore be fined by the Alcalde according to his attributes, and the seriousness of the case for the benefit of the municipal funds.

ART. 13. When the master enters a complaint against his servant for being an idler, incorrigible, obstinate and impertinent, the Alcalde shall compel the servant to return to his duty, punishing him as he deserves, according to the circumstances of the offence.

ART. 14. A servant who leaves the service of his master in debt, or who, not being in debt, looses the concerns under his charge by negligence or omission, shall be tried according to articles 2, 3, 4 and 5, of law No. 7, should a complaint be entered against him.

ART. 15. Besides the annual settlement that shall be made in the accounts of servants, they may require the master to shew the same, when they intend to apply for any considerable amount, who shall acquaint them therewith.

ART. 16. When the servant wishes to leave the service of his master, without prejudice to the contract made, he may compel his master to settle the account, and to furnish him the document specified in article 5, and the master shall perform this duty within one month at the longest.

ART. 17. The action of servants against their master in respect to dues for their personal labor, shall be of an executive character, and shall have the preference conceded by law.

ART. 18. Masters shall not be obliged to pay the burial of their servants who die in debt, nor shall the families of the latter be required to do it when they possess no other property than what is required for their personal and domestic use.

ART. 19. When any servant in debt, and not possessing any other property than that excepted in the preceding article, has occasion to bury any of his family, the master shall not be obligated to supply him a greater amount than what is necessary to pay the fees of an ordinary burial, according to the rates of the diocess.

ART. 20. Debts of those who die in service shall be paid with the property they leave on their decease, and their children and relatives shall not be compelled in any other manner.

ART. 21. The local authorities in their jurisdiction, and under their strictest responsibility, shall watch over the punctual fulfilment of this law in all its parts.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 4th April, 1829.

JOSE MARIA BALMASEDA, President.

JOSE MARIA ARAGON, D. S.

RAMON GARZIA ROXAS, D. S.

## DECREE No. 87.

The Congress of the State of Coahuila and Texas, taking into view the importance of various subjects yet undecided, and whereon a resolution is imperatively demanded, in exercise of the privilege granted by article 87 of the constitution, decrees.

The sessions shall be prorogued another month.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 28th of April, 1829.

[The same Signers.]

## DECREE No. 88.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The first of the sole Alcaldes of the district capitals, shall be the channels, through which the executive shall communicate the orders and decrees which on account of being circulars, are to be transmitted to all the towns of the State; on other subjects that offer the executive shall communicate directly with the Alcaldes and Ayuntamientos.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 29th of April, 1829.

JOSE M. CARDENAS, President.

RAMON GARCIA ROXAS, D. S.

MARIANO GARCIA, D. S.

## DECREE No. 89.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. On the opening of the ordinary sessions the second term, the executive shall present to congress a nomination of three persons, well informed, and qualified to perform the general visit of Ayuntamientos in the state.

ART. 2. The investiture and attributes of this officer, in the discharge of his commission, shall be those that belong to him as a delegate of the executive of the state.

ART. 3. The executive shall form the instructions, to which the person appointed shall conform, also proposing the salary to be given them, in order that, after the corresponding approval of congress, he may enter on the discharge of his commission.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 29th of April, 1829.

[The same signers.]

## DECREE No. 90.

The Congress of the State of Coahuila and Texas, taking into view the circumstances to which all the towns find themselves reduced to be able to support the public expenses, and that said expenses imperatively demand the dictation of some measures whereby they can be paid, such as are least burthensome to the citizens, exercising the ninth attribute conceded in the first part of article 97 of the constitution of the state, has thought proper to decree.

ART. 1. Every Coahuiltexian of whatever class or age, who has a rent, wages, salary, business or industrious personal pursuit, shall pay to the state annually such part of his income as corresponds to three days, from which assessment females shall be excepted.

ART. 2. This tax shall be paid by thirds of a year—one day's income every four months in advance—and that the collection of the quotas may be prompt by rendering the payment more easy, the Ayuntamientos may subdivide them in such fractions as they think proper.

ART. 3. The graduation of said income shall be made by the person interested, computing what he earns one day with another, by his regular yearly earnings.

ART. 4. The Ayuntamientos shall determine the quotas of the individuals of their respective municipality, declaring such as in their opinion are fraudulent from having been diminished by the persons interested—which shall be immediately subjected to the provision of the following article.

ART. 5. When any individual refuses to state what he thinks he earns daily, the Ayuntamiento shall choose three persons, if possible, of the same occupation as the former, to make the graduation he conceals or refuses, and the same being made, the quota shall be exacted without admitting any claim to the contrary.

ART. 6. Individuals who besides their daily wages are furnished by their master or employer with board and lodging shall add for this reason, one and a-half rial more to their daily income, should they be domestic servants, and four rials, should they occupy a higher station; servants who receive raw rations shall be excepted from this augmentation.

ART. 7. Any one, who wishes to pay at once the amount of this tax for the year, shall be permitted to do so.

ART. 8. Every head of a family and owner of a workshop, or hacienda, shall deliver the payment, for himself, and those he employs permanently on salary or daily wages, taking the corresponding receipts.

ART. 9. Should any individual, after the formalities provided in articles 4 and 5, are concluded, refuse more than twice to pay the quota assigned him, he shall be compelled to pay a fine of triple the amount of his quota, besides the cost that may have resulted from the collection.

ART. 10. Should a person repeat the refusal he shall be fined the same amount specified in the foregoing article, and as often as he shall refuse to pay the tax.

ART. 11. Within the first month from the respective publication of this decree, the Ayuntamientos shall form the lists of the persons assessed, belonging to their municipality according to form No. 1, taking care to make the same in a book, of which a copy shall be transmitted to the executive at the end of the time prefixed.

ART. 12. The Ayuntamientos shall choose an individual of their satisfaction and confidence for each ward in towns divided into such, and in those that are not, they shall distribute the commissions as is most practicable, for forming the lists and collecting the tax; and no person shall decline this charge.

ART. 13. The persons commissioned shall comply in every respect with the provision of this decree, giving notice to the Ayuntamientos, to which they are answerable, of the statement pertaining to their trust.

ART. 14. For each tax the Ayuntamientos shall deliver to the collectors two receipts, divided in three squares in the manner specified in form No. 2. One of said receipts shall be delivered to the person assessed, for the collector to sign the respective square each time said person delivers him the quota; and the other shall remain in possession of the collector for the person assessed, either himself, his master or employer, or some other person at his request to sign the respective square, that the collector may shew proof by this document on delivering what he has received.

ART. 15. The Ayuntamientos every third of the year shall post in the most public places, lists of the persons taxed, belonging to their municipality, shewing at the bottom those who deserve the penalties designated in articles 9 and 10.—Every citizen shall be authorized to enter a complaint to the Ayuntamiento for faults he may notice in said lists in order to exact the respective responsibility as the case may be.

ART. 16. With the exception of sons in a family, every individual over eighteen years of age, who maliciously wishes to withdraw himself from the payment, and for this reason is not comprised in the list shall be considered a vagrant and disorderly person, and subject to the provision of article 123 of Law No. 37.

ART. 17. In two months from the publication of this law in each municipality the first third of the assessment shall be collected, and the Ayuntamientos shall deliver the product to the respective agents of the state rents, taking the corresponding receipt, and giving notice to the executive that this provision is executed.

ART. 18. The executive shall take care that on the first month of the third the Ayuntamientos under their strictest responsibility pay over to the rent agencies all that should be collected of the preceding third, proving it not to have been more, by comparing the aforementioned lists, which shall be performed in this act, exacting the corresponding receipt, shewing the amount they have delivered.

ART. 19. The agents shall forward every year to the executive, the last of December, an abstract or summary according to form No. 3, to be taken from the same lists, with which the Ayuntamiento collects the tax.

ART. 20. The executive shall compare each abstract with the census contained in the statistical record of each municipality, and not finding them to agree, shall demand the difference of the Ayuntamientos of the towns where it happens, admonishing them in one and in two instances to proceed efficiently in their trust.

ART. 21. Should any Ayuntamiento not make full payment on the second demand made by the executive, the latter shall fine the same according to his attributes, and the seriousness of the fault, the product of the fines to be added to the state rents.

ART. 22. Ten per cent of said tax shall be assigned to the Ayuntamientos, out of which the commissioners, shall be compensated with three per. cent. of what they respectively collect, and the seven per. cent. remaining shall be appropriated to the expenses of collection, and benefit of the municipal funds.

ART. 23. The executive shall circulate this decree, accompanied by all the instructions necessary for the exact fulfilment thereof.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 4th of May, 1829.

[The same Signers.]

FORM, No. 1.

Ward formed by ——— street ——— number.

Names of persons taxed.	Income.			Quota or tax for each third.		
	D.	R.	G.	D.	R.	G.
A. B.	8	0	0	8	0	0
_____	0	4	6	0	4	6
_____	0	2	0	0	0	2
_____	0	2	10	0	2	10
_____	0	3	0	0	3	0
<i>Hacienda.</i>						
Owner D. N. Resides,	4	0	0	4	0	0
D. N. Superintendent	1	0	0	1	0	0
N. Steward,						
Servants in constant employ- ment,						
Servant,	0	3	0	0	3	0

FORM, No. 2.

A. B. paid his third of personal tax.  
 First third of year.      Second third do.      Last third do.

## FORM, No. 3.

Municipality of \_\_\_\_\_ Rent Office or Agency.

Abstract and recapitulation of the number of persons assessed, and amount of the direct tax, which this Ayuntamiento has delivered to this Agency, Receiver's Office, or Clerk's Office during the several thirds of the year of the date.

	FIRST THIRD.	Amounts.
<i>Number of persons assessed.</i>		
Those of three dollars	9	27 0 0
Of one,	80	80 0 0
Of four rials	280	140 0 0
	<hr/> 369	<hr/> 247 0 0
	SECOND THIRD.	
Of three dollars,	12	36 0 0
1	34	34 0 0
4 rials,	180	90 0 0
	<hr/> 226	<hr/> 160 0 0
	LAST THIRD.	
Of three dollars	18	54
1,	50	50
	<hr/> 68	<hr/> 104
	<hr/> <i>Recapitulation.</i>	
On the first third,	369	247
Second,	226	160
Last,	068	104
	<hr/> 663	<hr/> 511
Deduct the ten per. cent. assigned the Ayuntamiento by article 22 of the law on the subject.		511
		<hr/> 051 0 10
Net, in favor of the State,		<hr/> 459 7 2

## DECREE No. 91.

The Congress of the State of Coahuila and Texas, taking into view the declining state of its internal trade, caused mostly by the arrival of foreigners in the market, and wishing to prevent as far as possible the ruin of those of their constituents who are engaged in this occupation, find their business rendered ineffectual, also to encourage their trade—has thought proper to decree as follows:

ART. 1. Foreign merchants, of whatever nation, not naturalized in the republic of Mexico, are hereby prohibited from retailing goods

in any town in the state, being permitted to sell only at wholesale, for cash, or on credit.

ART. 2. Also every foreigner, or native of the republic is hereby prohibited the introduction and sale of coarse cotton and woolen stuffs, not manufactured in the republic—natives being permitted to continue the sale of the goods of this kind they now have on hand.

ART. 3. The Alcaldes and Empresarios of the colonies of the state shall give the colonists of their respective limits, engaged in trade, a certificate for a sufficient and limited time, that they may be considered as Mexicans.

ART. 4. The Alcaldes of all the towns of the state shall likewise give certificates to those foreigners, who, besides obtaining letter of citizenship, have fixed their residence in any of the towns in their limits, should they request it on account of being engaged in trade.

ART. 5. Those who on commission, or as clerks, retail the goods of any foreigner, shall be subject to the penalties this law imposes on the offenders, and may be informed of by any individual of the town to the respective Alcalde.

ART. 6. Any foreigner or native merchant, who transgresses this law, shall be fined five hundred dollars, which the Alcalde of the respective municipality shall cause him to deliver, with authority to destine him six months to public works, should it appear on proper investigation that he has not the means to pay the fine.

ART. 7. Said fines shall be appropriated, one hundred dollars to the informer, one hundred to the funds of the Ayuntamiento where they are collected, and the rest to those of the state. Should there be no informer, the part assigned for that purpose shall belong to the Alcalde who conducts the official proceedings, and the costs shall be divided in proportion to the amount of each portion or share.

ART. 8. This law shall go into full effect in ninety days from its publication in the capitol of each district, and the local authorities shall be answerable for any breach of trust in the fulfilment thereof.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 13th of May, 1829.

[The same Signers.]

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DECREE No. 92.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. A school of mutual instruction, on the Lancastrian plan, shall be established in each department of the state.

ART. 2. Each of the said schools shall be situated in the respective capital of the department.

ART. 3. The teachers shall be engaged for three years, on solicitation of the executive, who, to admit them, shall be satisfied of their veracity, qualifications and general merit.

ART. 4. Each teacher shall take charge of the department that falls to his lot, and each shall receive eight hundred dollars per annum, payable monthly in advance.

ART. 5. Said establishments shall be composed of one hundred and fifty pupils each, and when they exceed this number, the teacher may request an increase of salary, drawing up a petition containing information on the part of the Ayuntamiento, which, through the channel of the executive shall be presented to congress for their resolution.

ART. 6. The three teachers together shall form a set of regulations, to govern the schools, which being completed they shall present to the executive for his approbation; and when this is obtained the original shall be deposited in the archives, and a sufficient number of copies printed to be circulated to all the authorities of the state.

ART. 7. The teachers shall instruct the pupils in reading, writing, arithmetic, the dogma of the Catholic Religion, and all Ackermann's catechisms of arts and sciences.

ART. 8. The Ayuntamientos shall ascertain what children of the municipality are unable to pay, and whose parents wish to send them to school, but do not for want of means.

ART. 9. From among the said poor children the Ayuntamiento shall take from one to five by lot, and send them to the establishment to be sustained by the municipal funds: where there are none such, a voluntary subscription shall be raised for that object; in either case one shall be sent without fail, to be taken always by lot. Said children shall be received gratis in the school, being furnished by the state with what articles they need for their instruction.

ART. 10. Also the children of those citizens in the department of Texas, who contributed to establish the present school fund of the capital, shall be admitted gratis, provided they continue paying the quota they agreed.

ART. 11. The Ayuntamientos shall require citizens, who have the means, to send their children to the establishments, and with those who are obstinate in complying, whether from vicinity, negligence, or apathy, they shall take such measures as they consider to be just.

ART. 12. To support the expense to be defrayed a fund shall be created in the capital of each department, to be under the charge of the respective Ayuntamiento, with power to appoint a depositary, from within or without their own board.

ART. 13. Said fund shall consist of the present school funds of the capital towns, to which shall be added the legacies intended for this object, the municipal quotas assigned, and the product of pay pupils in the respective schools.

ART. 14. Parents who are able, shall pay for each of their children fourteen dollars per annum, while learning the first rudiments, until they commence to write, and eighteen dollars the rest of the time until they leave the establishment.

ART. 15. The Ayuntamiento shall be vigilant, that the collection of the sums assigned to this fund be exact, permitting no delay; and taking care that the parcels paid in be entered in a book that shall be formed in each capital for keeping the account of its respective establishment.

ART. 16. The special fund of each department shall be used in paying the teacher, house rent, market, and repair of school furniture, the amounts thus paid out to be proved by the teacher's receipts, authenticated by the certificate of the sindico procurador and the order of the Alcalde.

ART. 17. When the fund of an establishment has not the means of promptly meeting any expense it shall be assisted by the funds of the municipality, to be restored and should even these be exhausted, application shall be made for the aid of funds, to be restored, to the chief agents of the state rents, who shall supply what is necessary after the proper document is authenticated by the Ayuntamiento.

ART. 18. Each pupil educated in the establishment, on leaving, shall pay to the respective Ayuntamiento the sum of ten dollars, to be called gratitude money, and with this a separate fund shall be formed, to be used to reward the teacher, with the understanding that it shall not be delivered him until the conclusion of his contract, he being required to keep an exact account of the amount of said funds paid in, to correspond with that which shall be kept by the Ayuntamiento.

ART. 19. The accounts of these funds shall be rendered to the Executive at the close of each financial year, and shall be made out agreeably to the accompanying form.

ART. 20. The Executive shall endeavor that this law have its full effect as soon as possible, and to establish the schools, he may dispose of the state rents to the amount of two thousand dollars, under the most strict account of the disposition thereof, which shall be no other than the purchase of all the furniture, slates and books, required for carrying into effect the object of this decree.

## DEPARTMENT OF ——— LANCASTRIAN SCHOOL.

*Account of funds paid in, and out of said institution during the financial year, commencing on the first of September, and ending on the day of the date.*

## PAID IN.

Funds pertaining to the School of this city,	000 0 0	}	1408 0 0
Charitable fund of ———, dedicated to the instruction of youth,	000 0 0		
Product of municipal quotas, dedicated to school funds,	000 0 0		
Balance on hand the close of the year preceding,	000 0 0		
By four children during one year at 14 dollars,	560 0 0		
Ten do six months do	070 0 0		
Five do three months do	014 4 0		
Twenty-eight do one year, at 18 dollars,	504 0 0		
Nineteen do nine months at do	256 4 0		

## PAID OUT.

To the Teacher according to documents Nos. 1 and 2,	800 0 0	}	1250 0 0
For house rent, document No. 3,	160 0 0		
For slates, tables, benches, paper, &c., according to documents, Nos. 4, 5, &c.,	300 0 0		
Balance on hand,	300 0 0		

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 13th of May, 1829.

[The same Signers.]

## DECREE No. 93.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive is hereby authorized, subject to the approval of congress, to contract with private individuals, natives or foreigners, for the establishment of two panoptic prisons in the state.

ART. 2. Said prisons shall be situated in the department of Bexar, and district of Parras.

ART. 3. The cost of buildings, master tradesmen, tools, machines and other necessary apparatus shall be at the expense and risk of the contractors, as well as the support and cloathing of the delinquents placed therein.

ART. 4. They shall furthermore furnish the persons introduced who fulfill their term of sentence with thirty dollars as means and sufficient and necessary tools for carrying on their trade.

ART. 5. They shall also supply those belonging to a trade that requires two or more workmen with a loom or machine, allowing them hands, also delinquents, to assist them in the labor, and the contractor shall appoint such person as deserves his confidence as master of these small frames or looms.

ART. 6. Those who leave the prison agreeably to the provision of the two foregoing articles, shall establish themselves in the town they select previous to leaving, under immediate inspection of the local authorities of the place of their residence, to whom the contractor shall give reasonable notice.

ART. 7. The contractors at the end of every year shall publish a manifest, giving a detail of their prison, of the progress of the prisoners, and a minute account of the expenses and product of their undertaking, and the latter shall be subject to a counter examination.

ART. 8. At the expiration of the first contract, which shall be stipulated for five years, the available buildings shall remain for the benefit of the state.

ART. 9. The state pledges itself to the contractors to destine to their establishments one-half of all the prisoners sentenced to the fortresses or public works, and furthermore all vagrants designated in article 122, of Law No. 37.

ART. 10. The prisoners shall be employed by the contractor in whatever mechanical trade they like, endeavoring not to shift them from one trade to another before they are perfectly taught in that wherein they were first placed.

ART. 11. The product of the labour of the prisoners shall be for the benefit of the contractor during the two first years from the first introduction of prisoners that takes place; and the profits of the last three years shall be divided between the state and the contractor.

ART. 12. The conducting of the prisoners to the prison shall be defrayed out of the state rents.

ART. 13. The executive in presence of the contractor of these establishments shall draw articles, regulating the contracts as he shall deem proper, not in opposition to this decree.

ART. 14. The state obligates itself punctually to fulfill the stipulations made in the contracts, provided they obtain the approval of congress.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 13th of May, 1829.

[The same Signers.]

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DECREE No. 94.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The intervening officers, whom, by virtue of article 1, of the general tariff of maratime custom houses, the state should place in

the ports of Galveston and Bahia de San Bernardo, shall be appointed by the executive, and approved by congress, without which the respective commission shall not be granted them for entering on the exercise of their functions.

ART. 2. The persons appointed to said station shall present their commissions to the civil authority of the port, for which they are chosen, and before the same shall take the oath prescribed by article 220 of the constitution of the state.

ART. 3. For the present a salary of five hundred dollars per annum, shall be assigned these officers, without affecting the percentage received by the clerks or receivers of the respective ports.

ART. 4. The said officers shall comply as prescribed to intervening officers in the general custom house tariff, collecting the two rials tonage duty pertaining to the state, giving notice to the executive of the product thereof every month, and taking charge of the performance of the duties with regard to the other state rents in the port of their residence.

ART. 5. Should the present clerks of the ports be appointed intervening officers, they shall deliver to those who succeed them all the chattels in their possession, adjusting their accounts up to the day they make the delivery, which they shall remit to their immediate superiors, accompanied by the funds they have on hand.

ART. 6. The executive shall give the respective orders for the salary of the intervening officers to be paid at the end of every months' service, dictating such measures as he shall deem seasonable for the exact fulfilment of this decree.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 13th of May, 1829.

[The same Signers.]

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DECREE No. 95.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The governor is hereby authorized to regulate the boundaries with the adjoining states.

ART. 2. The governor may cede any portion of the territory of the state, and admit in return another equal portion of the states adjoining, giving notice to congress, and during their recess, to the permanent deputation.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 15th May, 1829.

[The same Signers.]

DECREE No. 96.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Decree No. 26 of the state legislature, is hereby declared, without value or force and in pursuance thereof permission is hereby granted to Juan Antonio Viesca to introduce and establish in the state a boring machine to cause water to flow spontaneously upon the surface.

ART. 2. The establishment of said machine shall not be effected on a persons own land should veins of water of the appurtenance of another be thereby intersected, nor on any other where the establishment results to the injury of a third person; and should the person interested be the cause, he shall be obligated to indemnify the party injured.

ART. 4. All persons are hereby prohibited from establishing this kind of machines for the term of four years from the publication of this law, without the previous consent of the person who enjoys the privilege.

ART. 5. Should the person to whom the privilege is granted not have introduced and established the said machine at the expiration of one year, he shall forfeit the exclusive privilege herein granted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 27th of May, 1829.

[The same Signers.]

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DECREE No. 97.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The eighteen months deficiency for completing twenty-five years of age, on the part of Licentiate Maria Gorivar is hereby dispensed with, and in pursuance thereof he is hereby declared duly qualified to discharge all acts wherein the aforementioned age is required, with the exception of those specified in articles 36, 146 and 200 of the constitution.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 29th of May, 1829.

[The same Signers.]

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DECREE No. 98.

Municipal Ordinances for the internal administration of the Ayuntamiento of Bexar.

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DECREE No. 99.

Municipal Ordinances of the Ayuntamiento of Goliad.

## DECREE No. 100.

Municipal Ordinances of the Ayuntamiento of Austin.

## DECREE No. 101.

Municipal Ordinances of the Ayuntamiento of Rosas.

## DECREE No. 102.

Internal regulations of the Executive department of the State.

## DECREE No. 103.

The Congress of the State of Coahuila and Texas, taking into view the popular arrangement the constitution contemplated giving to the appointment of the magistrates of the tribunal of justice, and that the extension of the powers of the executive conferred in the eighth of his attributes might comprise the substitutes of long continuance, should they be appointed by him, has thought proper to decree as follows:

ART. 1. The substitutes of ministers of the tribunal of justice, and attorney general, whose continuance in office does not exceed one year, shall be appointed by the executive of himself, according to article 69 of the law regulating the administration of justice.

ART. 2. The substitute of assessor general of the state, shall also be appointed by the executive, observing the provision of the foregoing article.

ART. 3. Substitutes whose term exceeds one year shall be appointed by congress on nomination of three by the executive, who, in case of recess, shall appoint the substitutes comprised in the preceding articles until congress having convened, hears the nomination and determines the appointment, unless in case of sickness on the part of those officers comprised in this decree, whose term is one year, and whom the executive supposes will recover in one or two months, in which case he shall appoint a substitute to the appointment made by himself, by virtue of article 1.

ART. 4. The substitutes comprised in this decree shall be duly sworn before congress, and during the recess thereof, before the executive.

ART. 5. Since all provisional substitution that cannot be prolonged in case of death, except inasmuch as circumstances require, shall be comprised in the foregoing articles, the decree No. 72 is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 30th of May, 1829.

JOSE MANUEL CARDENAS, *President.*  
RAMON GARCIA ROJAS, D. S.  
JOSE MARIA ARAGON, D. S.

## DECREE No. 104.

Letter of procedure.

## DECREE No. 105.

The Congress of the State of Coahuila and Texas convened in extraordinary sessions, has thought proper to decree as follows:

ART. 1. Spaniards, unmarried, and widowers without children, who remain in the state, shall exhibit as forced loan one third of their capital; those married, without children, and widows with only one child, one fifth: and those of both, having more than one child, one eighth.

ART. 2. The capitals of Spaniards, who, under any pretext, accompanying the invading expedition, or reside in any of the Spanish dominions, shall be confiscated, and annexed to the state rents.

ART. 3. The capital of Spaniards who are now in a friendly or neutral country, whether consisting in real securities, cash or goods, shall be sequestered, and the latter sold by a depository, who shall deliver the proceeds of each to the respective agencies.

ART. 4. Those who have left their wives and children in the Republic shall be excepted from the provision of the two foregoing articles, and be considered as comprised in article 1st.

ART. 5. The executive shall regulate the appointment of the depository, and the manner of receiving his accounts.

ART. 6. Every person, who, in any way favors any concealment of the property specified in this decree, shall be fined in the amount of the value concealed, and shall furthermore be banished ten years from the state, and any one who shall, directly or indirectly, cooperate in an effective manner in favor of the Spanish expedition, shall forfeit his life; for inflicting this and the foregoing penalties, the information of the fact, and previous opinion of the assessor shall suffice.

ART. 7. During the war, fifteen per. cent. shall be deducted from the pay, or any other profit, nor more than one hundred, nor less than twenty five dollars a month, received by all public officers of the state. From the pay of those who receive more, twenty per. cent. shall be deducted; and in respect to those, who have voluntarily offered more than this article requires, only the former deduction shall be exacted.

ART. 8. During the Spanish invasion, the executive is hereby authorized to exercise the following powers—

*First.*—To assemble and place under arms so much force belonging to the civic militia of the state as can be paid with the funds mentioned in the foregoing articles, and means established in this law.

*Second.*—To regulate the discipline of said militia, without subjection to the code, and especially, to plan the subordination thereof, and dispose of the force as circumstances shall render most proper.

*Third.*—To levy by assessment in the whole state a forced loan of twenty thousand dollars, the payment whereof shall commence in one year from the evacuation of the Republic by the invaders; should it not be possible to close the payments after the expiration of this term, an interest of four per cent. shall be assigned those who furnish the loan, until the total liquidation of the capital.

*Fourth.*—In any urgent case, should it be difficult, in the opinion of the executive, for the permanent deputation to convene, he may proceed of himself, taking such measures as he shall deem necessary for the safety of the state, giving subsequent notice to congress of his operations, and the motives thereof.

*Fifth.*—To include in the twenty thousand dollars loan specified in power third the Ecclesiastics residing in the state with the concurrence of their respective bishops, with the exception of the patrimonial or privileged property they enjoy.

*Sixth.*—To fulfil, when circumstances imperatively demand, the laws and orders of the national authorities, which in ordinary circumstances would require the intervention of congress; making suitable provision for the execution thereof.

ART. 9. The state rents, and capital specified in articles 1, 2 and 3, shall be liable or subject to the payments specified in power third.

ART. 10. The tax of article 98 of the regulations of the civic militia, shall include those who, passed fifty years of age still appear of themselves.

ART. 11. Those who, on account of being engaged in their own, or the concerns of others, wish to be exempted from the service to which they are destined by power first of article 8, shall exhibit from ten to forty dollars at once, and from four rials to two dollars per month during the war; the exception mentioned in this article shall continue for two years; and both this, and the impost shall be at the discretion of the executive.

ART. 12. The executive shall have power to fill vacancies of field officers that occur in the civic militia, selecting from the same battalion, or respective squadron, the most suitable persons, without subjecting himself to the rigid scale of promotion, having power to select from among the exempts mentioned in article 10, which favor shall not include the officers.

ART. 13. This decree shall be observed provisionally so long as the circumstances continue that have given rise thereto, with the exception of articles 2 and 6, which shall still remain in force.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 5th of September, 1829.

JOSE M. BALMASEDA, *President.*

IGNACIO SENDEJAS, D. S.

VICENTE VALDES, D. S.

DECREE No. 106.

The Congress of the State of Coahuila and Texas, convened in extraordinary sessions, has thought proper to decree as follows:

ART. 1. The twenty thousand dollars forced loan, specified in power third, of decree No. 105, shall be destined to cover that of twenty-seven thousand assigned to this state by the general congress.

ART. 2. Those who furnish the loan, both in applying for the respective payment, and in exacting the interest that belongs to them, shall conform to the provision of the general law of the 17th of August last.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 10th of September, 1829.

[The same Signers.]

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DECREE No. 107.

The Congress of the State of Coahuila and Texas, convened in extraordinary sessions, and in view of the general law of the 22d of August last, decrees:

Two per. cent duty of compensation shall be imposed on foreign goods in addition to the three per cent. already established.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 10th of September, 1829.

[The same Signers.]

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DECREE No. 108.

The Congress of the State of Coahuila and Texas, convened in extraordinary session, decrees:

ART. 1. The congress of the state hereby declares its adoption of the plan of the army of reserve, proclaimed in Xalapa.

ART. 2. During the next sessions congress shall make such observations as occur to the same, relative to the aforementioned plan.

ART. 3. Should any citizen, of whatever class, excite commotion, compromising the public safety under pretence of joy for this event, he shall on sole investigation of the fact, be deemed guilty of a capital crime.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 31st of December, 1829.

[The same Signers.]

## DECREE No. 109.

The Congress of the State of Coahuila and Texas, viewing that the circumstances that gave rise to decree No. 105 of the fifth of September last, have now disappeared in the republic, has thought proper to decree as follows:

Articles 4, 5, 7 and the 8th in the first, second, fourth and sixth powers thereof of the aforementioned decree, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 5th of January, 1830.

JOSE MARIA BALMASEDA, President.

IGNACIO SENDIJAS, Secretary.

VICENTE VALDES, Secretary.

## DECREE No. 110.

The Congress of the State of Coahuila and Texas, pursuant to their *pronunciamento* in favor of the plan of the army of reserve, proclaimed in Xalapa, and sanctioned in decree No. 108, agreeably to the second article thereof has thought proper to decree:

ART. 1. The republic being afflicted with notorious misfortune in consequence of abuse committed in the different departments of its administration, the general congress is hereby requested to remove all the officers, against whom the public opinion has been clearly manifested.

ART. 2. The general congress is hereby requested, on opening its sessions, to propose to the congress of the state such measures as in its opinion may contribute to remedy the evils mentioned in the preceding article, and promote the public welfare.

ART. 3. The state solemnly promises not to co-operate in measures tending to party revenge which the public policy and convenience require should be regarded as extinguished and forgotten.

ART. 4. In pursuance thereof the state declares itself protector of the army reserve, provided said army punctually fulfil the promises and guarantees set forth in the plan they have published or proclaimed, and with that understanding the executive of the state shall furnish said army with such aid as the funds of the public revenue permit.

ART. 5. The executive shall carry on his usual correspondence with the national executive, resident in the capital of the republic.

ART. 6. The executive shall forward this decree accompanied by his respective explanatory despatch to the said national execu-

tive, to the generals in chief of the army of reserve, governors of the states, generals, commadants and political chiefs of the territories.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 9th of January, 1830.

[The same Signers.]

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DECREE No. 111.

The Congress of the State of Coahuila and Texas, in view of the ground taken by the second Alcalde of this capital, for not discharging his office, viz: that he considers the privilege to be still in force granted to persons newly married by the law, last clause under the first head, book 5th of the Spanish collection of statutes; and considering that should this still continue in force as a concession made by the King of Spain to his old dominions, it would directly conflict with the form of government adopted by Mexico, decrees:

Law 14th, first head, book 5th of the Castillian collection, in the part wherein it treats of municipal offices and assessments shall be understood as repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 13th of January, 1830.

[The same Signers.]

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DECREE No. 112.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Joseph M. Bangs, a native of the United States of the North, is hereby declared a citizen of Coahuila and Texas.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 15th of January, 1830.

[The same Signers.]

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DECREE No. 113.

The Congress of the State of Coahuila and Texas, in attention to the question proposed through the channel of the executive by the Ayuntamiento of the town of Candela for complying with decree No. 90, has thought proper to decree the following articles in explanation of said decree.

ART. 1. The assessment made in decree No. 90, shall be obligatory only on all Coahuiltexians over eighteen years of age.

ART. 2. Raw rations received by hired servants shall not be computed in the assessment.

ART. 3. The exception made by article 16 only means that sons eighteen years of age, attached to families, and not included in the polls, shall not be taken for vagrants, but the heads of families shall not for that reason omit to compute them in the estimate they make of their income.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 22d of January, 1830.

[The same Signers.]

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DECREE No. 114.

The Congress of the State of Coahuila and Texas has thought proper to decree:

That the order of the 9th of August, 1827, being repealed, the towns of San Francisco and San Miguel de Aguago, proceed to establish their Ayuntamiento in the town which the executive shall consider most suitable, proceeding with his report to trace out the limits of the new municipality, giving notice thereof to congress for their information and approval.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 26th January, 1830.

[The same Signers.]

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DECREE No. 115.

Municipal Ordinances of the town of San Juan de Allende.

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DECREE No. 116.

Municipal Ordinances of the town of San Nicolas de Capellania.

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DECREE No. 117.

Municipal Ordinances of the town of Morelos.

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DECREE No. 118.

The Congress of the state of Coahuila and Texas, in view of the question proposed by the executive on the fourth of September last; whether the substitutes who fill the offices of magistrates and attorney general of the tribunal of justice should necessarily possess the qualifications required by article 200 of the constitution of the state, has thought proper to decree as follows:

ART. 1. Should there be absolutely no counsellors possessing the qualifications required by article 200 of the constitution, persons under

twenty-five years of age, who possess the diploma or credential of having been admitted as counsellors, may be appointed as substitutes to the offices of magistrates and attorney general of the tribunal of justice.

ART. 2. Should there be absolutely no counsellors, the aforementioned provisional stations may be filled by such citizens over twenty-five years of age as in the opinion of congress, or of the executive, as the case may be, after hearing the advice of the council, possess the skill required for discharging said offices, conforming in their appointment to the provision of decree No. 103.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 16th of February, 1830.

RAFAEL MANDOLA, President.

VICENTE VALDES, D. S.

JOSE MARIA BALMASEDA, D. S.

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DECREE No. 119.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Resignations of offices, which it belongs to the congress of the state to fill, shall be made before the same through the channel of the executive.

ART. 2. During the recess of congress, the executive, of himself, may admit the aforementioned resignations, appointing the provisional substitutes agreeably to the provision of article 3, of decree No. 103.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 19th February, 1830.

[The same Signers.]

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DECREE No. 120.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The monthly notice which article 43 of Law No. 37 prescribes, shall be given to the public by the executive, shall likewise include that of funds paid into, and paid out of the state treasury.

ART. 2. The intelligence on both snbjects shall be taken agreeably to the form annexed, that the abstract, to be circulated agreeably to the order of the 21st of August last, may be included in the respective Gazette.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 19th February, 1830.

[The same Signers.]

*Information in respect to expedients, official letters, and other subjects received and despatched in the office of the Secretary of State, during the last month, including that relative to the funds that have been paid into, and out of the State Treasury.*

*Total number of subjects remaining on hand in December last.*

Expedients received in all the month of January last from the			
District of the Capital.	- - - - -	- - - - -	010
do	- - - - -	Parras,	010
do	- - - - -	Monclova,	040
do	- - - - -	Riogrande,	030
do	- - - - -	Bexar,	040
Communications from other states,	- - - - -	- - - - -	025
do from the National Administration,	- - - - -	- - - - -	025
do from that of the state,	- - - - -	- - - - -	030
			200
Total number of subjects,	- - - - -	- - - - -	200
Of the expedients from the district of this capital, there			
have been despatched in all the preceding month,	- - - - -	- - - - -	30
Of those of Parras,	- - - - -	- - - - -	30
“ Monclova,	- - - - -	- - - - -	40
“ Bexar,	- - - - -	- - - - -	35
“ Rio Grande,	- - - - -	- - - - -	30
Communications directed to other states,	- - - - -	- - - - -	25
“ to the supreme national authorities,	- - - - -	- - - - -	20
“ to those of the state,	- - - - -	- - - - -	20
Subjects yet pending,	- - - - -	- - - - -	60

NOTES.

*First.*—Besides the subjects shewn to have been despatched, thirty official letters comprising various orders and communications have been issued from the secretary office during the aforementioned month.

*Second.*—Of sixty subjects that remain pending, twenty are in consultation before congress or the permanent deputation in the tribunal of justice, ten in the Ayuntamientos, and there has not been time to despatch the remainder.

*Funds paid into, and out of the State Treasury, in all the month of January last.*

Districts.

ENTRIES.

Leona Vicario.	{	On account of the Tobacco rent,	- - - - -	1 000
		Excise duties,	- - - - -	0 100
		Other products of the Custom House,	- - - - -	0 010
		Entries made by the municipality of	—	
		pertaining to the tax,	- - - - -	0 300

Parras.	}	Entries to be stated as above, or such as								
		they may be,								0 000
Monclova,	-	-	-	-	-	-	-	-	-	0 000
Rio Grande,	-	-	-	-	-	-	-	-	-	0 000
Bexar,	-	-	-	-	-	-	-	-	-	0 000
Total,	-	-	-	-	-	-	-	-	-	1 410

DISBURSEMENTS.

To the statement of presupposed expenses of congress,  
 " of the office of secretary of state,  
 " of the supreme tribunal of justice,  
 " of the cigar manufactory,  
 To the general commandancy—on account of contingent expenses,  
 " commissary officer of this city do  
 Paid on the loan, or tobacco contract, or any thing else,  
 Pending,

VALDES, D. S.  
 BALMASEDA, D. S.

DECREE No. 121.

The Congress of the State of Coahuila and Texas, to supply some deficiencies noticed in decree No. 17, regulating the secretary office, has thought proper to decree the following as additional articles:

ART. 1. The principal officer of the secretary office, or the person officiating in his place, shall present every month to the treasurer of congress, and during the recess thereof, to the treasurer of the permanent deputation the account of presupposed necessary expenses of the office.

ART. 2. In pursuance thereof the fourth clause of article 2 of decree No. 17 of the 7th of June 1825, by virtue of which one hundred and fifty dollars per annum were paid out for expenses of the secretary office of congress, is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 3rd of March, 1830.

JOSE M. CARDENAS, President,  
 JOSE MARIA BALMASEDA, D. S.  
 MARIANO GARCIA, D. S.

DECREE No. 122.

Municipal Ordinances of the city of Leona Vicario.

DECREE No. 123.

Municipal Ordinances of the town of Santa Rosa.

## DECREE No. 124.

The Congress of the State of Coahuila and Texas, to explain the meaning of articles 163 and 166 of the constitution, and remove the doubts on the question proposed by the municipality of Monclova for filling the present vacancies that have occurred therein, has thought proper to decree the following as additional articles to the law No. 30.

ART. 1. Should two or more persons be chosen at the same election of officers of the Ayuntamiento, who are disqualified for discharging municipal offices, at the same time on account of their relationship, as the law on the subject provides, the choice having the most votes, whether for offices of the same, or of a different name, shall be valid, and that of the other relatives shall not be carried into effect, and the said office shall be discharged by the person who, in the order of the respective list, receives the greatest number of votes.

ART. 2. When the aforementioned relatives are chosen at the same election by an equal number of votes, the choice for the office of the highest rank shall be preferred, and the first with respect to the second, the latter with respect to the third shall be considered as such in offices of the same kind or name; and in those of a different name, that of Alcalde with respect to that of Regidor; and the latter with respect to that of Syndic; observing what is furthermore provided in the second part of article 1.

ART. 3. When any municipal office becomes vacant, the person receiving the greatest number of votes in the order of the respective list shall enter on the discharge of the same, and the person newly entering the Ayuntamiento shall rank lowest in the respective kind of offices.

ART. 4. The aforementioned person, provided he serves four months at least, shall obtain no other, nor be elected to the same municipal office until after two years from having served therein.—The same rule shall be observed with respect to those, who resign municipal offices from legal impediment, that afterwards disappears.

ART. 5. The Ayuntamientos shall be presided by the respective political chiefs, in their default, by the first Alcaldes, and in default of the latter, by the second; and so on successively by the members of the corporation, according to the order of their seniority.

ART. 6. Temporary defaults of Syndicks shall be supplied by the junior, and those of Alcaldes by the senior Regidores.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 23rd of March, 1830.

JOSE MANUEL CARDENAS, President.

JOSE MARIA BALMASEDA, D. S.

MARIANO GARCIA, D. S.

DECREE No. 125.

The Congress of the State of Coahuila and Texas, regarding the serious evils, experienced by the state in the administration of justice from the want of assessor general, and the facility with which the persons appointed resign this office; and solicitous on their part of preventing the injury suffered by the administration; has thought proper to decree:

The person who shall be appointed assessor general and resign, shall be obligated by the executive to serve provisionally until congress resolves as the same shall think proper for filling his station.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 2d of April, 1830.

VICENTE VALDES, President.

MARIANO GARCIA, D. S.

JOSE MARIA ARAGON, D. S.

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DECREE No. 126.

The Congress of the State of Coahuila and Texas, having observed some defects in the internal regulations of the secretary office of the department of state, and desiring to supply the same, has thought proper to reform the article 45 of said regulations, as follows—

ART. 45,—At the close of every month the secretary shall form the statement of presupposed ordinary expenses of the office, and that of the respective pay of all the officers thereof, which documents shall include the respective vouchers, shewing all and each one of the component sums thereof, and with these indispensable requisites they shall be paid by the treasury.

Additional, after article 49, article 52 of the politico-financial regulations of the towns is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 3d of April, 1830.

[The same Signers.]

Returned accompanied by remarks on the part of the executive, on the 13th, and referred to the committee on executive affairs.

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DECREE No. 127.

The Congress of the State of Coahuila and Texas, taking into consideration the obstacles encountered in the administration of justice with the practice established by article 56 of decree No. 39; also that the primary judges will often acquit criminals deserving capital punish-

ment by law, solely from misconstruction of article 88 of the aforementioned decree, has thought proper to decree as follows:

ART. 1. The halls of the supreme tribunal of justice shall continue the administration thereof, without the appointment or assistance of the judges, colleagues, mentioned in the law regulating the administration of justice.

ART. 2. The cases mentioned in article 81 and 82 shall be excepted from the provision of the preceding article, which cases shall be conducted in the manner prescribed by the aforementioned law.

ART. 3. All causes in crimes deserving capital punishment by law, shall be transmitted to the supreme tribunal of justice, even should the accused be acquitted by the decision of the assessor.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 5th of April, 1830.

[The same Signers.

#### DECREE No. 128.

The Congress of the State of Coahuila and Texas, having taken into consideration the injuries that may arise from the substitution of the second part of article 39 of the colonization law, as well as the want of clearness of decree No. 62; and the justice there is in favoring, in the distribution of lands, the citizens of Coahuila and Texas, who at the cost of a thousand privations, have inhabited the same, and defended them from the savage tribes, has thought proper to decree as follows:

ART. 1. The surveyors, who are to run off the lands, shall give security for their faithful management in conformity to the existing laws. For said appointments native and naturalized Mexicans shall be preferred to those who are not.

ART. 2. As a compensation for their services they shall be paid by the persons, to whom the lands are granted, eight dollars for the survey of a sitio; three for that of a labor; and twelve rials for that of a lot; and in pursuance thereof the second part of article 39 of the colonization law shall remain no longer in force.

ART. 3. Their duties shall be those prescribed in said law, and in the instructions approved for the commissioners.

ART. 4. The commissioner shall construct the plans for the Archives of the colony, and those of the government, in view of those the surveyor shall deliver him; shall be present at all the surveys, and shall write out the titles sufficiently authenticated both for the judicial record or original copy, and right of property of the colonists, without having power, under any pretence, to delegate his commission, unless it is with previous knowledge of the executive.

ART. 5. For no cause, and under no pretence shall any other fees or taxes, be exacted of the colonists, except those designated in this law, and those prescribed for the commissioner by decree No. 62.

ART. 6. The markers and chain carriers shall be provided by the respective grantees, whether of persons in their service, or others they search for—and neither the commissioner, or the surveyor are authorized to employ those of their retinue in these stations.

ART. 7. The chief of department of Bexar is hereby authorized, should he observe any mismanagement on the part of any commissioner of surveys, to suspend him immediately, forming the record, wherewith he shall give notice to the executive for the same to order his suspension should he think it just, without affecting the judicial process he shall order to be instituted against him.

ART. 8. Should any commissioner or surveyor be guilty of abuse of office he shall obtain no office of provision of the government, and furthermore shall be subject to the penalties imposed by the law of the 24th of March, 1813, on judges who proceed contrary to law.

ART. 9. The chief of department of Bexar, within his jurisdiction, and under his responsibility, shall attend carefully to the fulfilment of article 7, of this law, and also take care that the Ayuntamientos collect the import of the lands transferred to native or naturalized citizens, or to foreigners, indispensably on conclusion of the instalments, and remit the same with the proper security, and their bill or account thereof, to the office of the state rents which the executive shall direct.

ART. 10. For the fulfillment of the second part of the preceding article, the executive shall forward to the aforementioned chief a copy of the contracts he may have made with empresarios, and of the lands sold to natives; he shall also forward him an account of the lands that are distributed in Austins' colony; making a like transmission to the rest of the Ayuntamientos of the state as regards their own municipalities, that they may duly fulfill the 33rd article of the colonization law.

ART. 11. The executive shall cause the contracts, that are not carried into effect in the time stipulated, to be published, that the respective lands may be understood to have again become vacant, and open to colonization.

ART. 12. The citizens of Coahuila and Texas, who on the publication of this law are settled in any town, frontier to the savage tribes, and have a fixed residence of twenty-four, thirty-five and forty years, having sustained the said towns with their arms, and their toils, shall be favored with a concession of a part of the dues belonging to the state rents, for a sitio and a labor in the following proportion: Those of twenty-four years, shall pay one half; those of thirty-five, one third; and those of forty shall be exonerated from the payment.

ART. 13. The lands acquired by virtue of the preceding article shall be alienable, only after four years cultivation.

ART. 14. Should the individuals mentioned in article 12, have more than a sitio and a labor to receive, they shall be subject to the provision of the colonization law, observing the same for acquiring the lands, the tax whereof is remitted in their favor.

ART. 15. To obtain the favor mentioned in article 12, a certificate from the Ayuntamiento shall be presented to the respective commissioner, wherein the number of years the petitioner has been settled is specified, and the services he has rendered; said document shall be written without any other fees than the cost of the paper.

ART. 16. The commissioner shall forward the said certificates to the executive for the proper determination or decree thereon; it being borne in mind that this favor shall be accorded only to true merit.

ART. 17. The provisions of the five preceding articles shall be understood as not being to the injury of the steps now taking in solicitation of the grant of lands.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 1st of April, 1830.

[The same Signers.]

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DECREE No. 129.

The Congress of the State of Coahuila and Texas, in view of the obstacles that have arisen for strictly fulfilling the decree No. 92, has thought proper to decree as follows:

ART. 1. Until the Lancastrian schools, mentioned in Decree No. 92, can be established in the state, the executive shall cause six public primary schools to be established on the basis designated in said law, and with the following modifications:

ART. 2. The six schools shall be distributed in the three departments, the executive endeavoring to have them established in places, the most central, and such as require this aid.

ART. 3. The pay of the teachers shall be five hundred dollars per annum.

ART. 4. In said establishments the amount given by the pupils as gratitude money shall be reduced to six dollars.

ART. 5. The Ayuntamientos of the towns wherein the schools are established shall discharge the duties prescribed in said decree to the Ayuntamientos of the department capitals.

ART. 6. The directors shall forward to the executive yearly, on the month of November, a set of samples of all the pupils of their establishment, which shall serve for estimating their their progress; said specimens shall be passed to congress, accompanying the report, with a note expressing the state of the school with regard to education, and manifesting the obstacles that impede its progress.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 13th of April, 1830.

[The same Signers.]

DECREE No. 130.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive is hereby authorized to contract a loan of three thousand dollars, at an annual interest of three per cent., with power to increase it to five; but should a greater be asked, he shall consult congress, and during the recess agree thereon with the permanent deputa-tion.

ART. 2. Said loan shall be used to succor persons attacked with the small pox throughout the state.

ART. 3. For the payment thereof the executive shall pledge the prod-uct of the colonized lands, by special mortgage.

ART. 4. For said object twelve hundred dollars shall be assigned to the department of Saltillo; one thousand to that of Monclova; and eight hun-dred to that of Bexar.

ART. 5. The executive shall regulate the manner said succor shall be ministered to the destitute classes in the state.

ART. 6. After the contagion ceases, the executive shall give notice to congress of the persons assisted by virtue of this decree, and the amount they have received, causing the whole to be published through the press.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 13th April, 1830.

[The same Signers.]

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DECREE No. 131.

Municipal Ordinances of the town of San Pedro de Gigedo.

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DECREE No. 132.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. A receiver's office of excise duties shall be established in the hacienda de San Isidro de las Palomas.

ART. 2. The person who has the direction of said office, shall also take charge of the branch cigar agency, stamped paper, and shall take care that the other state rents in his respective limits are collected, and that no smuggling is carried on in any department of said rents.

ART. 3. Said officer shall be appointed by the executive, who shall require him to give bonds to the amount of two thousand dollars for the faithful management of the stock and funds committed to his charge.

ART. 4. He shall be subject for the present to the chief agent of the tobacco and excise departments of this capital in his respective departments, and shall receive as a compensation for his services the same per centage as the receivers and agents of branch cigar establishments.

ART. 5. The limits of the new sub-receivers office shall be co-extensive with those of the civil jurisdiction thereof.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 14th of April, 1830.

[The same Signers.]

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DECREE No. 133.

The Congress of the State of Coahuila and Texas, in attention to the causes which occasioned a want of activity in the strict fulfillment of decree No. 11, of the 6th of September 1827, as has been manifested by the chief agent of the state rents through the channel of the executive; has thought proper to decree:

ART. 1. In article 3 of decree No. 11, of the 6th of September, 1827, the words June and July shall be inserted instead of those of August and September.

ART. 2. In article 4th of said decree, instead of the month of October to which it refers, the word August shall be inserted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 14th of April, 1830.

[The same Signers.]

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DECREE No. 134.

Municipal Ordinances of the town of Guerrero.

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DECREE No. 135.

The Congress of the State of Coahuila and Texas, in view of the serious difficulties that have presented themselves for fulfilling the decree No. 44 of the 21st of February, 1828, and of those which may hereafter occur so as entirely to defeat the fulfilment thereof, so far as it has to do with the national rent, has thought proper to decree:

Decree No. 44 of the 21st of February 1828, is hereby repealed, and in pursuance thereof the town of Nava shall henceforth be the capital of the district of Rio Grande.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 16th of April, 1830.

[The same Signers.]

## DECREE No. 136.

The Congress of the State of Coahuila and Texas, designing to fulfil, as far as possible the duty imposed upon them by article 192 of the constitution, and anxious that the inhabitants of the state should begin to enjoy the advantages attending the valuable institution of trial by jury, has thought proper to decree:

ART. 1. At the expiration of three days from the receipt of this law in each district capital, the Ayuntamiento shall proceed, for this time, to choose from among the citizens of the district, by majority of vote, from 21 to 84 jurors, who shall possess the qualifications required by the constitution for being members of the Ayuntamiento or corporation.

ART. 2. Said elections shall henceforth be holden annually, on the 3d of May, by the aforementioned Ayuntamientos.

ART. 3. The jurors who do not act in their respective year may be indefinitely re-elected, and those who have been engaged in any trial may decline the charge for the term of two years; the citizens comprised in article 161 of the constitution, and those officiating as Alcaldes shall not be chosen jurors.

ART. 4. The summary investigation of criminal offences shall be conducted as heretofore, by the primary courts of justice, but in any state of the cause wherein the crime is proved, the other steps shall be omitted, and the prisoner together with the proceedings, shall be sent to the capital of the district.

ART. 5. Prisoners shall be conducted under custody of a guard, belonging to the regulars or civic militia, and where there are none such, by citizens chosen for the purpose; the expense incurred in the custody shall be paid out of the state rents, should the guard consist of persons belonging to the civic militia, or of citizens of the state, who shall receive the pay designated in the law of the national militia.

ART. 6. The prisoner or prisoners, having arrived at the capital of the district, shall be delivered to the 1st, 2nd or 3d Alcalde—according to the grade of the one who sent them; or to the sole Alcalde, should there be only one; who shall continue the proceedings, even when commenced by himself should the crime be committed in the capital, and shall cause the prisoners' counsel to be chosen by the prisoners, or official attorney, as the case may be; and the trial *plenario* shall be immediately opened, having in view all the charges, confirmation, and evidence contained in article 4, also the declaration shewing the ground of complaint of the plaintiff, and citation for sentence; all which shall be performed within the peremptory term of sixteen days.

ART. 7. In presence of his attorney, a list of the jurors shall be shewn to the prisoner, of whom he shall choose seven to act in his trial; not being permitted to choose those absent from the district, or under physical impediment at the time.

ART. 8. Of the jurors chosen by the prisoner, objection shall not be made to more than two, or after twenty-four hours from the time they are chosen. The prisoner himself shall supply the place of those, to whom legal objection is made, with the same number from those who were not chosen.

ART. 9. After having official notice from the Alcalde who tries the cause, the jurors shall meet within four days including that whereon the notice is received, the meeting of the majority being sufficient for the steps mentioned in the two following articles; and being presided by the aforementioned authority, shall be separately sworn by the same, according to the best of their knowledge and understanding, fully and faithfully to fulfill the duties of their charge.

ART. 10. The person presiding, without having a vote, shall then proceed to the appointment of a fiscal and a secretary, to be chosen from among themselves by private enquiry.

ART. 11. The secretary shall execute all acts belonging to his station, commencing by writing out the act of instalation, and by reading the entire proceedings; and after being read they shall be delivered to the fiscal which shall conclude the first session.

ART. 12. The fiscal shall form a recapitulation of the proceedings, specifying the crime, grade thereof, name of the plaintiff, the evidence, plenary or partial, for or against the accused, shewing the other particulars of the process, and expressing at the conclusion the opinion he has formed, without designating any penalty.—The term allowed the fiscal for fulfilling this duty shall not exceed eight days.

ART. 13. As soon as the fiscal has fulfilled the duties required in the preceding article the jury shall meet again publicly, and open their session by reading the proceedings and recapitulation thereof, made by the fiscal, at which acts the prisoner and his counsel shall be present; and the whole record shall be delivered to the latter to present his defence within six days, including days of festival—upon which the jury, convened on that day, shall make such exposition as occurs to the same; and the prisoner and his counsel shall answer the questions they are asked and both shall retire when the jury so determines by common consent.

ART. 14. The president shall then direct the voters to proceed in the discussion, causing the utmost order to be observed, and permitting each one, who requests the privilege, to speak in his turn.

ART. 15. When the privilege of speaking is no longer requested, the president shall cause the secretary to enquire *whether the decision can be taken*. Determined in the negative the discussion shall proceed: The question shall be asked in one or more instances, and the meeting shall not be dissolved until, by unanimous consent, the answer is declared in the affirmative.

ART. 16. Pursuant thereto, the jurors shall proceed to vote under one of these two forms, to wit: *The prisoner A. B., is not guilty, and he is therefore by me acquitted. Signature. The prisoner A. B., is*

guilty of the crime of ———, and therefore condemn him to the punishment of ———. Signature.

ART. 17. The majority shall form the sentence, and until this be determined, the jury shall not be dissolved, or the discussion closed.

ART. 18. Should the verdict of acquittal be given, the prisoner shall be discharged.

ART. 19. Should a verdict of guilty be given, the proceedings shall be passed to the first hall of the tribunal of justice, which shall review the process and verdict within five days from the receipt thereof, and whether the punishment be, by said hall, increased or diminished, the proceedings shall be returned within ten days from the receipt thereof.

ART. 20. The sentence moderated or approved by the aforementioned hall shall be executed without appeal: from those wherein the said hall increases the punishment, an appeal may be had to the second hall, praying a remission, but should the increased punishment, notwithstanding this step, be again declared, the sentence shall be final, and be carried into execution.

ART. 21. Should the sentence mentioned in the preceding article be that of capital punishment in the trial by the jury, although confirmed by the first hall, an appeal may be made to the tribunal of justice only, which must take cognizance united.

ART. 22. Should sentence of death be pronounced, it shall be executed by shooting the prisoner, to be done by soldiers of the standing army, or civic militia, at nine o'clock in the morning, at the public place, which the first political authority of the district where the prisoner is, shall designate.

ART. 23. The jurors shall in no case be responsible for the verdict they pronounce, and this charge cannot be declined by citizens having no moral or physical impediment.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 19th of April, 1830.

VICENTE VALDES, President.

JOSE MARIA ARAGON, D. S.

MARIANO GARCIA, D. S.

Received the remarks of the executive on the 1st of September, 1830, and was returned to the committee on legislation.

DECREE No. 137.

Municipal Ordinances of the town of Abasolo.

Executive Department of the State }  
of Coahuila and Texas. }

The Governor, pro. tem. of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the Congress of said State has decreed as follows:

## DECREE No. 138.

The Congress of the State of Coahuila and Texas, to prevent the notoriously serious injury and abuse now suffered by the most profitable rent of the state, from the bad quality of the tobacco, and bad manner it is manufactured, has thought proper to decree as follows:

ART. 1. The executive shall appoint two competent persons to examine the tobacco in the leaf, received of the English contractors, which requisite shall be indispensably observed in future, on the receipt of any quantity of leaf tobacco.

ART. 2. The persons interested shall appoint two citizens, to join those appointed by the executive, in making the examination mentioned in the preceding article.

ART. 3. Should the tobacco result, on the aforementioned examination, not to be of the quality stipulated in the contract, it shall be deposited as the executive shall think proper, allowing the shortest possible period for removing it from the limits of the state; and should the removal not be effected within the time prefixed, the tobacco shall be burned.

ART. 4. The purchases of paper mentioned in article 27 of the regulations for the cigar manufactory, at least so much as is required for the operation of twisting, shall indispensably be of that made of linnen material.

ART. 5. The executive shall give the manufacturer the strictest orders to have the tobacco manufactured in the best possible manner, and shall even make him responsible, should the tusks or bunches fall short in weight.

ART. 6. On the supposition that, by national law, tobacco will continue to be a monopoly, the executive shall enter into seasonable contracts with the national executive, or with private individuals, so that there always being tobacco on hand in the state, the agencies of that department may be supplied therewith.

ART. 7. The executive shall dictate administratively whatever measures he shall deem proper to put an end to smuggling.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st of April, 1830.

VICENTE VALDES, President.

MARIANO GARCIA, D. S.

IGNACIO SENDEJOS, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, October 1st, 1830.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

DECREE No. 139.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. License is hereby granted to Henry Doyle, a Catholic Clergyman, and native of Ireland, to establish a chapel in any part of the Irish colonies he shall think proper

ART. 2. The aforementioned person may proceed to the construction of the said chapel, also of a curates dwelling at the Mission of Refugio, to minister spiritual succor to the colonists, who establish their residence in that place, taking sufficient ground for a convenient portico, and one half the value of both building shall remain for the benefit of the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in the city of Leona Vicario on the 21st of April, 1830.

VICENTE VALDES, President.

MARIANO GARCIA, D. S.

IGNACIO SENDIJAS, D. S.

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DECREE No. 140.

The Congress of the State of Coahuila and Texas, having taken into reflection the remarks made by the Ayuntamiento of the town of Villa Longin, relative to the particulars, which form the substance of articles 138 and 139 of the financial regulations of the towns, has thought proper to decree as follows:

ART. 1. No change shall be made in the possession holden by the citizens by virtue of the distribution, to which the Ayuntamiento of Villa Longin refers.

ART. 2. The individual possession, holden by the said citizens, of their grazing tracts shall be valid, and persons not having shares shall pay a rent, to be added to the municipal funds.

ART. 3. Every person not having a title shall be furnished therewith by the Ayuntamiento without further cost than that of clerk and paper.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st of April, 1830.

[The same Signers.]

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DECREE No. 141.

The Congress of the State of Coahuila and Texas, in view of the remarks made by the general collector of the state rents, through the channel of the executive on the 28th instant, has thought proper to decree the following as additional articles to decree No. 132.

ART. 1. The executive shall increase or diminish the amount of bonds prescribed by article 3 of decree No. 132, for discharging the

duties in the receivers' office of excise in the hacienda de palomas, being governed by the amount of stock and funds to be managed by the officer who has charge of said office, taking care that the revenue be always secure: in pursuance thereof, article 3 of the aforementioned decree is hereby repealed.

ART. 2. That the said establishment may have its full desired effect, the same shall be furnished with a mounted custom house officer, to be paid twelve dollars a month, and to perform the duties imposed on that kind of officers.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 23d April, 1830.

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DECREE No. 142.

Municipal Ordinances of the town of Candelas.

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DECREE No. 143.

The Congress of the State of Coahuila and Texas, in attention to the observations made by the Ayuntamiento of this city relative to the evils caused by the observance of articles 2, 3 and 4, of decree No. 42 of the 2d of January 1828, decrees—

ART. 1. The religious festivals solemnized in future shall be by collection of voluntary alms among the faithful and the appointment of festival officers, as heretofore observed, shall be prohibited.

ART. 2. In pursuance thereof the articles 3 and 4 of the aforementioned decree No. 42, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 20th of April, 1830.

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DECREE No. 144.

The Congress of the State of Coahuila and Texas, in view of the present reduced state of the public treasury, has thought proper to decree:

ART. 1. The office of attorney general of the supreme tribunal of the state is hereby suspended until congress determines the proper measure, and during the interval the functions of said minister shall be discharged in the following manner.

ART. 2. In business wherein it belongs to the first hall to take cognizance, the ministers of the second and third shall officiate as attorney generals, alternately as the first hall shall direct; in that pertaining to the second, the ministers of the first and third alternately as the sec-

ond hall shall direct: and in that belonging to the third, the ministers of the first and second, alternately as the third hall shall direct.

ART. 3. Business pertaining to the cognizance of the tribunal united shall be despatched by said tribunal without requiring the audience of an attorney general.

ART. 4. The records and business now pending in the attorney general's office shall be returned to the tribunal, and to the respective halls, wherein they are established, and shall be distributed and despatched in the manner provided in the preceding articles.

ART. 5. The duties prescribed to the attorney general by chapter 5 of the regulations for the internal administration of the tribunal, shall be discharged by the ministers who officiate as attorney general according to this law.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 29th of April, 1830.

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DECREE No. 144.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive shall direct that three silver medals, of 1st, 2nd and 3rd classes be ordered to be made, to be paid for out of the municipal funds of each Ayuntamiento, or the funds of the state, to be restored, and that the national ensign be engraved on the said medals, encircled with the following inscription: *Reward of virtue and application*—to serve on days of public school visits as a mark of distinction for the pupils most deserving in the respective schools. The medals shall be attached to blue bands, with a rosette at the extremity; upon the band of the first, the aforementioned motto shall be embroidered with gold, upon that of the second, with silver thread; and that of the third shall be plain.

ART. 2. The executive shall order that out of the funds of the state, also to be restored, a sufficient number of Fleuris Castillian grammar, orthography and catechism be re-printed, to be distributed as prizes among the pupils, who excel in virtue and application.

ART. 3. The respective Ayuntamientos shall distribute the aforementioned prizes and tokens of distinction with the concurrent opinion of the teacher, on days of examination, and only in schools under their inspection, supported by the public funds; carefully avoiding all partiality. The medals shall remain in charge of the teacher, to be used only for the aforementioned object.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th of April, 1830.

## DECREE No. 145.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The offer made by James grant to the executive, to furnish at his own expense the necessary tools for opening, under his own direction, a direct road from this city to Parras, also the corn consumed in supporting the workmen, and soldiers required to attend them, is hereby accepted.

ART. 2. The Ayuntamientos shall warn vagrants in their jurisdiction in one instance, and should they not reform, shall require them to be conducted to work on roads, as criminal delinquents.

ART. 3. said persons shall receive in compensation, only their support, being two rials a day, and the same rations as the soldiers who attend them.

ART. 4. Of proprietors of haciendas, ranchos, or travelling merchants, mulateers, teamsters, the executive shall, exact agreeably to his own judgment, a proportionate tax, for the purpose of continuing to open suitable and direct roads to the principal places in the state.

ART. 5. The commissioner appointed by the executive to take charge of those destined to work on the roads shall be compensated with such pay as the executive shall deem prudent to assign him, and under his responsibility, shall secure the workmen as he shall think proper, to prevent escape and trouble, keeping an exact account of the application of funds, and of the payments, to agree with the marks made by himself on papers in possession of the workmen.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th of April, 1830.

Received the comments of the executive in session of the 1st of September, and on the same date was referred to the committee on Legislation.

## DECREE No. 146.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Alcaldes, Collectors, Receivers and Sub-Receiver may make search or enter any house by force under the authority of a search warrant to seize smuggled goods and arrest smugglers, after receiving the corresponding plain or summary information of the fact; and should the information prove false, the informer shall be subject to the penalties of false accusers. Alcaldes, collectors, or chief-agents, receivers and sub-receivers shall respectively be responsible for abuse they commit when they proceed officially. In both cases a process may be instituted by the complainant.

ART. 2. If, from urgency, or any other cause the said information cannot be proved, the arrest, search or forcible entry shall be executed notwithstanding, and the summary information shall immediately be investigated.

ART. 3. To execute the forcible entry and search of a house to seize smuggled goods, or to arrest the smuggler, it shall not be required to produce plenary or partial evidence of the crime, or who the real delinquent is; it shall only be required that, by whatever means, the concealment of the smuggled effects, and some sufficient legal clue for believing that this or that person effected the concealment, result from the information.

ART. 4. To enter by force, and search a house, the aforementioned officers shall demand the consent of the master thereof, and should he refuse, it shall be executed instanter.

ART. 5. Should the collectors, receivers or sub-receivers of rents require the assistance of military force, for forcible entry and search they shall apply to the persons having authority to dispose of such force, who under their strictest responsibility shall furnish the same.

ART. 6. The seizure of the smuggled goods being effected, and the arrest of the smugglers if they can be had; the latter shall be delivered immediately to the judge of the treasury, with the information obtained against them, to proceed in everything else according to the law of the 4th of September 1823, relative to confiscation.

ART. 7. Said law, also that of the 30th of October, 1822, of the general congress, so far as they are opposed to this decree, shall be repealed.

ART. 8. This decree shall be observed provisionally, saving the power to amend, repeal, or confirm the same during the approaching September sessions.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th of April, 1830.

RAMON GARCIA ROXAS, President.  
MARIANO GARCIA, D. S. S.  
JOSE MANUEL CARDENAS, D. S.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 147.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Decrees, No. 47 of the first constitutional congress and No. 88, issued by the present congress on the 29th of April 1829, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 15th September, 1830.

RAMON GARCIA ROJAS, D. President.

VICENTE VALDES, D. S.

MARIANO GARCIA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 17th September, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 148.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The general visitor of the state shall receive a salary of three thousand dollars per annum; out of which he shall pay the office expenses, und expense of clerk, incurred in the discharge of his commission, and under no pretence shall he receive any fee from the municipalities.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 15th September, 1830.

RAMON GARCIA ROJAS, D. President.

VICENTE VALDES, D. S.

MARIANO GARCIA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 17th September, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 149.

The Congress of the State of Coahuila and Texas, in view of the remonstrance of the principal citizens of this capital, supported by the Ayuntamiento thereof, also by that of Monelova, and the facts where-

on their petition is founded being publicly known, has thought proper to decree:

ART. 1. Ignacio Sendijas and Jose Maria Balmaseda, representatives, are hereby declared to be comprised in article 4, of the plan of Xalapa.

ART. 2. Jose Maria Aragon and Rafael Manchola, are hereby excepted from the preceding article.

ART. 3. Licentiate Manuel Carrillo is also hereby declared to be comprised in the aforementioned article 4.

ART. 4. This event or act shall be communicated, through the secretary office of this congress, to the respective chamber of the national congress, accompanied by a copy of the antecedents that have given rise thereto.

ART. 5. The exposition of Gomer Arnaes shall be copied, and returned to the executive, with assurance of the displeasure with which it has been viewed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 18th September, 1830.

God and Liberty.

RAMON GARCIA ROJAS, President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 1st October, 1830.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 150.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The village of Alamo may be called the town of San José de Viesca y Bustamente.

ART. 2. The executive shall take care that the inhabitants of Bilbao be reduced to the town of Alamo, and that the waters, of which the said inhabitants obtained the fruition, be all united and turned to the new town, to be distributed together with the lands agreeably to the provision of decree No. 37, and others on the subject.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st September, 1830.

RAMON GARCIA ROJAS, President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 151.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Letter of citizenship is hereby granted to Thomas Jefferson Chambers, counsellor; whom the tribunal of Justice, after examining his diploma, shall likewise proceed to examine, that he may practice his profession in the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 22d September, 1830.

RAMON GARCIA ROJAS, D. President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 24th September, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 152.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Letter of citizenship is hereby granted to James Grant.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st September, 1830.

RAMON GARCIA ROJAS, D. President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 25th September, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 153.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The resignation tendered by his excellency the governor of the state shall not be accepted.

ART. 2. In pursuance thereof the governor shall avail himself of the time required for attending to his health, from the date of this decree.— For this purpose, as the vice governor is absent, and furthermore his pecuniary concerns are connected with those of the state, the president of the tribunal of justice, agreeably to the provision of article 2 of decree No. 50, shall officiate as governor.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 25th September, 1830.

RAMON GARCIA ROJAS, D. President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, October 1st, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 154.

The Congress of the State of Coahuila and Texas, as the third period of ordinary session is about to close, and the committees are charged with numerous and various subjects they must despatch previous to the close of said term, decrees as follows:

Congress shall hold extraordinary sessions every evening from the 27th to the 30th inst.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 25th September, 1830.

RAMON GARCIA ROJAS, D. President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 25th September, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 155.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive shall immediately provide from one hundred to one hundred and fifty men, whether belonging to the civic militia or not, from the districts of the state, for the general commandant, in case he requests such aid for the expedition to Texas.

ART. 2. The executive shall take special care that, for the aforementioned object, such persons be taken as are least required in pursuits intimately connected with the wants of the community, and especially such as are least required for supporting families, and are most pernicious to society, preceding in this respect according to his judgment and discretion.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th September, 1830.

RAMON GARCIA ROJAS, D. President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 28th September, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 156.

The Congress of the State of Coahuila and Texas, pursuant to the third part of article 149 of decree No. 37, has thought proper to decree:

As it belongs to the Ayuntamientos to promote the increase of salary of their secretaries, so it also belongs to the executive to approve or disapprove said salaries.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in the city of Leona Vicario on the 29th December, 1830.

RAMON GARCIA ROJAS, D. President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 26th September, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

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DECREE No. 157.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The executive shall direct that the collectors of excise in the state exact the two per cent. duty on foreign effects, without charging the additional three per cent. to which the general decree of March 1828 refers.

ART. 2. To obviate injury to the interests of the nation and of private individuals, the same basis shall be observed provisionally with respect to the five per cent. mentioned in the general decree of the 24th of August last.

ART. 3. The Executive shall consult the national executive upon the subject of the true meaning of the decree mentioned in the preceding article.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th September, 1830.

RAMON GARCIA ROJAS, President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 158.

The Congress of the State of Coahuila and Texas, in attention to the observations made by the executive on returning decree No. 138, decrees as follows:

ART. 1. On the supposition that tobacco will continue to be a monopoly of the general government the executive shall enter into seasonable contracts with the said government, or with private individuals, that the state not being destitute of tobacco, the agencies may be supplied therewith.

ART. 2. In the former case the provision hitherto made for receiving tobacco of the general government, and for applying to the same to make amends for tobacco of a bad quality, shall be observed—in the latter the executive shall appoint two competent persons to examine the tobacco at the time it is received agreeably to what is furthermore provided in this decree.

ART. 3. The other articles of decree No 138 continuing in force, the second only shall be repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th September, 1830.

RAMON GARCIA ROJAS, President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, October 4th, 1830.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 159.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Letter of citizenship is hereby granted to James Bowie, on the supposition that he can accomplish the establishment of cotton and woollen stuffs, which he offers to place in the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th September, 1830.

RAMON GARCIA ROJAS, D. President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, October 5th, 1830.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 160.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The establishment is hereby granted, of a company for manufacturing cotton and woollen stuffs in the department of Monclova, to be styled the *Coahuila Manufacturing Company*.

ART. 2. The companies' active capital shall not exceed the sum of one million of dollars, divided into two thousand shares, of five hundred dollars each.

ART. 3. The empresario shall open a book of subscription for the aforementioned shares.

ART. 4. As soon as there are subscribers for one thousand shares at the least, the empresario shall advertise, calling a meeting of all the shareholders, and from among those present, a president and seven directors of the company shall be chosen by majority of vote.

ART. 5. The president and directors mentioned in the preceding article shall discharge the duties of their stations one year from the time of their election.

ART. 6. The president and directors, thirty days previous to the expiration of their term, shall call a general meeting of the shareholders to choose their successors; and the president and directors shall be chosen every year in like manner.

ART. 7. At all the elections or meetings of the shareholders each shall be entitled to one vote; provided, that no individual shall have more than fifty votes, whatever be the number of his shares.

ART. 8. The president and directors shall form a set of internal rules for the better regulation of the companies' affairs, and the despatch of business.

ART. 9. After the company is established no member of the same shall acquire by purchase more than one share in addition to that which he holds as a partner, nor shall a shareholder sell except to a person having one share only or to one who previously had none. The purchaser shall be a Mexican by birth, and from the time of purchase shall acquire all the rights of the possessor, who made him the sale.

ART. 10. In the internal regulations mentioned in article 8 the president and directors shall establish the manner of effecting the sale of shares among individuals, and shall prescribe the forms to be observed on stipulating the transfer of shares.

ART. 11. The president and each director shall own at least one share each, and shall furthermore be citizens of the state of Coahuila and Texas.

ART. 12. The president and directors shall appoint a cashier and the agents required to transact the business of the company, to whom a suitable salary shall be assigned as officers of the same. The president and directors shall require of the cashier and agents the necessary bonds for the faithful discharge of their duties; and those of the former who voted for the persons appointed to the aforementioned stations shall be responsible, should the concerns of the company suffer in consequence of failing to require adequate bonds and security.

ART. 13. All the purchases, business, and affairs of the company shall be executed by the president, the directors previously resolving thereon.

ART. 14. Notes or obligations given in the name of the company, and signed by the president and cashier, shall be binding against the capital stock and property of the company.

ART. 15. The company may sue and be sued, it being understood in such cases by attorney, whom the president and directors shall indispensably have appointed.

ART. 16. Three sitios of vacant land in the department of Monclova shall be granted to the company, where the president and directors shall select, for the establishment and use of said company.

ART. 17. The title to three sitios shall be drawn and stipulated in due form by the commissioner, whom the governor of the state shall appoint for that purpose.

ART. 18. The company may acquire of private individuals by purchase the country property, real estate or other property, required for the establishment; and such as by law should manifestly belong to native and not to alien shareholders shall be subject to distribution among

the former; and the portion of the aforementioned property, that on the dissolution of the company corresponds to the latter, shall be restored them in money, or other property of which they can make free use.

ART. 19. It being the object of the company to encourage manufactures, arts and industry in general in the department of Monclova, the said company shall be authorized to loan a portion of their capital stock to mechanics and labourers; provided they shall never receive over five per cent. rent per annum on the said loans.

ART. 20. Absent shareholders may vote at the elections by proxy.

ART. 21 The company shall continue for the term of thirty years unless previously dissolved by unanimous consent of the shareholders.

ART. 22. The company shall be exempt from excise duties, and every other tax pertaining to the state for the term of twenty years, to commence from the time the contractor shall put the establishment in operation.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th September, 1830.

RAMON GARCIA ROJAS, President.

MARIANO GARCIA, D. S.

VICENTE VALDES, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 2nd October, 1830.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 161.

The Congress of the State of Coahuila and Texas, having examined the elections of governor, vice governor and councillors, made by the electoral assemblies of the districts of Leona Vicario, Parras, Monclova, Guerrero and Bexar on the sixth of September last, decrees as follows:

ART. 1. Licentiate Jose Maria Letona, having received the absolute majority of votes, as investigated by congress according to law, is elected governor of the state.

ART. 2. Juan Martin de Veramendi is elected vice governor of the state, by unanimous vote of congress.

ART. 3. Rafael Gonzales, and Francisco Bernardino de la Peña, are elected councillors, in like manner.

ART. 4. Nicolas Moral in like manner is elected substitute councillor.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 4th of January, 1831.

IGNACIO CANALES, President.

JESUS GONZALES, D. S.

PEDRO de la FUENTE FERNANDEZ, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 5th January, 1830.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 163.

The Congress of the State of Coahuila and Texas, regarding the injury experienced in the administration of justice, since the functions of attorney general are discharged in the manner and form provided in decree No. 143; and that so long as this provision remains in force, causes of the greatest importance cannot be decided without the intervention, as judges, of persons who do not obtain the magistracy, decrees as follows:

Decree No. 143, which provides that the functions of attorney general, be discharged by the ministers of the tribunal of justice, is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st of January, 1831.

JOSE CAYENTANO RAMOS, Vice Pres.

JESUS GONZALES, D. S.

PEDRO de la FUENTE FERNANDEZ, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 26th January, 1831.

JOSE MARIA VIESCA.

SANTIAGO DEL VALLE, Secretary.

DECREE No. 164.

The Congress of the State of Coahuila and Texas, considering the evils experienced in the political and financial administration of the department of Texas for the reason that the extensive territory thereof is comprised in one sole district, and populated mostly by foreign colonists, thinly settled therein; exercising the power conferred by article 8 of the constitution, decrees:

ART. 1. The department of Bexar shall be divided into two districts, and the following shall be the dividing line—commencing at Bolivar Point on Galveston Bay; thence running northwesterly to strike between the San Jacinto and Trinity rivers, following the dividing ridge between the said rivers to the head waters of San Jacinto; thence following the dividing ridge between the Brazos and Trinity to the head waters of the latter, and terminating north of the source of the said Trinity upon Red River.

ART. 2. The territory situated east of said line shall be called the District of Nacogdoches, and the town of the same name shall be the capital.

ART. 3. A district chief shall reside in said town, or at such place as the executive shall think most proper, whose appointment, removal, attributes, salary and office expenses shall be in the manner and form provided by the constitution and laws in force with respect to that class of officers.

ART. 4. The aforementioned department shall continue to be governed agreeably to the provision of this decree, and such as was established for that effect prior thereto.

ART. 5. On receipt of this decree, measures shall be taken for the appointment of the district chief herein mentioned.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 31st of January, 1831.

JOSE CAYETANO RAMOS, President.

PEDRO de la FUENTE FERNANDEZ, D. S.

JOSE de JESUS GRANDE, D. S.

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DECREE No. 165.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Letter of citizenship is hereby granted to Michael Muldoon, presbyter, and native of Ireland.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 3rd February, 1831.

## DECREE No. 166.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The Alcaldes of the towns, under penalty of a fine, not less than one hundred, nor more than two hundred dollars, agreeably to the judgment of the executive, shall arrest on the publication of this decree, and shall continue hereafter to arrest all persons, who in consideration of the testimony of one witness, declaring verbally to his certain knowledge, or of two, referring to another or others, also to their certain knowledge; or who from public rumour or report, or any other indication of a like nature, are considered and reputed as thieves.

ART. 2. For the arrest mentioned in the foregoing article, and adequate security of prison, the Alcaldes shall be aided with such force belonging to the civic militia as they shall judge necessary, besides the assistance the citizens shall render them under corporal penalties, which the Alcaldes, according to their powers, and without appeal, shall inflict upon those whose services are thus required.

ART. 3. Those who refuse to declare what they know in these cases, with the exception only of the children, parents, brothers and sisters, wives, and sons, and daughters-in-law of the criminals, shall also be compelled by the Alcaldes according to their powers.

ART. 4. The Alcaldes and the assessor on their part shall not misrepresent the injury, or fail to inflict upon this class of delinquents the penalties designated by law for this object.

ART. 5. As soon as the Alcaldes are informed by any person that any crime of those mentioned in this law has been perpetrated, they shall pass to the place where it was committed to certify the same; and should this not be practicable, they shall prove it in the established form.

ART. 6. Within forty-eight hours from the act of the arrest the declaration or declarations mentioned in article first shall be taken in writing, and the provision of the preceding article having been fulfilled, as the case may be, the corresponding warrant resulting therefrom shall be issued.

ART. 7. In the trial sumario, only as many witnesses of the fact as are necessary, and conveniently obtained, shall be examined; and all confrontation, citation, and examination of no avail in discovering the truth, or whose sole object is to do away indications based on plenary evidence, shall be omitted.

ART. 8. The witnesses as soon as they have made their declaration, shall confirm their statements in all cases, and in presence of the accused, should he now be a prisoner.

ART. 9. Every three days until the conclusion of the sumario, or before should the tribunal of justice so order, the Alcalde of the capital shall notify the tribunal of the number of judicial acts performed in said term in each case they investigate agreeably to this law. The Alcaldes of other places shall do the same by every post.

ART. 10. The crime appearing to be clearly proved against the defendant, and after hearing his plea to the charges which shall thus far terminate the *sumario*, without any other step being taken, the record shall be delivered to the defendants' counsel, containing all the charges in evidence, ground of complaint, and citation for sentence, for a peremptory term not exceeding eight days, and which only in extraordinary and unusual cases shall be prolonged to twenty and no more.

ART. 11. Should an accuser intervene after the conclusion of the *sumario*, he shall be furnished with the proceedings for three days only, when they shall be delivered to the counsel of the defendant for the same length of time, that each may make such explanation, as he considers to be just—after which, the probatory term remaining open, the twenty days mentioned in the preceding article shall be divided between the contending parties.

ART. 12. After said term, and omitting consultation on proceedings, the Alcaldes shall forward the definitive acts to the assessor; who shall give advice in said cases in preference to any others, not detaining in his office those of the courts of this capital over eight days, and advising thereon in the order of the date of their reception.

ART. 13. In cases forwarded to the assessor from courts without the capital, he shall also give advice in the order of date of their arrival at his office, dispatching them at the furthest by the second post after their reception.

ART. 14. As soon as the primary judges receive the determinate opinion of the assessor, they shall pronounce sentence in entire conformity thereto, and after notifying the parties, they shall forward the record to the tribunal of justice, those of the capital without losing a day, and those without by the first post without fail.

ART. 15. The hall to which it belongs to take cognizance therein, whether by appeal or any other recourse after the expiration of two days from the reception of the proceedings, should the prisoner, as the case may be, not have appointed a counsel, or should the one appointed in the primary court not appear, shall appoint a counsel officially; and shall pass the despatch accompanied by the judicial acts to the attorney general and counsel, specifying a term, which for no reason or pretence shall exceed five days each, whatever be the condition of the case. Should there be an accuser the same term shall be allowed him as that assigned the attorney general.

ART. 16. The sole fact of the expiration of the term for which any judicial proceedings are delivered shall produce in these cases a decree of execution for their extraction—which, both in inferior and superior courts shall be done, or ordered to be done, at the very hour of the expiration of the term.

ART. 17. During the time specified in article 15 and additional days conceded, the parties may present such evidence as they consider to be just.

ART. 18. Two days following, the halls shall proceed to examine the cases, and give sentence, unless from some unusual cause, which shall be made to appear it be necessary to review, in which case sentence shall be suspended two days including that of the examination.

ART. 19. The sentence pronounced by the hall, whether confirming or revoking that of the primary court shall be the ground of a decree of execution in these cases, without further appeal than that of nullity, which may be interposed according to the laws, observing therein the provision of the four preceding articles.

ART. 20. Thieves sentenced according to law to forced labor, or public works shall be destined for the present to the fortress of Vera Cruz should they be sentenced for a term not less than one year, those sentenced according to law No. 7, and those sentenced in the district of Rio Grande and department of Bexar, shall fulfill their term of sentence in the latter department, agreeably to article 44 of law number 16, of the 24th of March, 1825, and order of the 30th of November, 1827.

ART. 21. Criminals sentenced to Vera Cruz shall be conducted to this capital, and as soon as collected therein at furthest shall pass to the place of their destination; both these, and those who fulfill the term of their sentence in Texas, shall receive from the public treasurer nine grains a day each during the journey; the expense of conduction shall also be defrayed by the state.

ART. 22. Criminals only comprised in articles 1, 2 and 7, of law No. 7, shall continue to be tried as articles 3, 4 and 5, of the same law provide.

ART. 23. A person who shall retain or conceal stolen goods, or who, taking measures of precaution although slight to do so, shall not place them at the disposal of the Alcalde of the place, shall be punished as a thief, and the same shall be done with those who receive or favor thieves; also with those upon whom the stolen goods are seized, should they not manifest the persons, from whom they obtained them, or give notice of said persons.

ART. 24. Primary judges shall notify the executive of the day on which they commence the aforementioned causes, and of the persons against whom they are carried on, and should they not communicate to him their final conclusion within sixty days, he shall cause them to be terminated according to his powers.

ART. 25. Both in inferior and superior courts causes against thieves shall be attended to in preference to any others, acting thereon, without being required to obtain judicial authorization or permission, on days the tribunals are otherwise shut; and shall be despatched in the order of the date of their commencement or reception.

ART. 26. Causes wherein there are accomplices shall be closed according to the criminals respectively convicted, and the investigation thereof shall be continued by a separate process.

ART. 27. Alcaldes and assessors, who from inattention or neglect shall not comply with articles 4, 5, 6, 7, 9, 12, 13 and 14, shall be fined

by the superior courts from one hundred to two hundred dollars, without any other evidence than the plain appearance of the fact, allowing them to proceed afterwards as the law permits.

ART. 28. Superior judges, as the case may be, shall be responsible in the manner the laws provide.

ART. 29. All causes pending and prosecuted against thieves, shall be concluded in the primary courts in two months from the publication of this law.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 17th February, 1831.

JOSE CAYETANO RAMOS, President.

PEDRO de la F. FERNANDEZ, D. S.

JOSE de J. GRANDE, D. S.

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DECREE No. 167.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Excise agencies shall be established in the departments of Monclova and Bexar, and receivers' offices in each of the municipalities; the former subject to the governor, and the latter to the agencies.

ART. 2. The three per cent. on the export of silver in bullion, and two per cent. on coin committed by decree No. 3, of the 31st of July, 1829, to the charge of the agents of the tobacco department of Monclova and Texas, shall be collected in the aforementioned agencies the same as the other duties, that according to the existing laws are collected by the agency established in the department of Saltillo.

ART. 3. The district of said agencies shall be the same as that corresponding to each of the departments, and that of the receivers' offices the same as that which embraces the civil jurisdiction of each of their municipalities.

ART. 4. The agents shall give bonds in the sum of two thousand dollars for the faithful management of the rents committed to their charge.

ART. 5. The executive shall point out the places where the agencies shall be established, which for the present shall consist of a collector, an officer, clerk, accountant, and two mounted custom house officers. The pay of the first shall be twenty per cent. on what they collect in their respective agencies; of the second three hundred dollars per annum, and the last as heretofore, shall be paid ten dollars per month.

ART. 6. The office of custom house officer, which by order of the 29th of December, 1826, was established for the service of the tobacco agency of Monclova, shall cease on the publication of this law.

ART. 7. Should the per centage allowed to chief agents appear insufficient, the executive may augment the same to five per cent. giving notice to congress for approval.

ART. 8. Of the twenty per cent. mentioned in article 5, eight per cent. of what they respectively collect in their district shall be allowed to receivers.

ART. 9. Articles 32 of the law of 24th of March 1825 shall remain in force.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st of March, 1831.

JOSE M. de AGUIRRE, President.

JOSE J. GRANDE, D. S.

JOSE MARIA MIER, D. S.

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DECREE No. 168.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Individuals belonging to the national local militia, who agreeably to the ordinances of the 8th and 22nd of March, 1830, receive pay out of the public rents of the state shall be subject to the penalties imposed by the general ordenances of the army for crimes committed in the service.

ART. 2. The commandant of the standing force, through the channel of his colonel, or the person acting in his place shall communicate the corresponding official notice of the crime committed, to the executive, that he may order the cause to be prosecuted should he deem proper.

ART. 3. The chiefs and officers of the batallion to which the delinquent belongs shall be the persons who take cognizance in the prosecution of the cause, and in ordinary court martial they shall adjudge the corresponding penalties, which shall not be carried into execution until approved by the executive of the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 22nd of March, 1831.

[The same Signers.]

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 169.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The two dollar tax laid on billiard tables without the capital shall

cease from the publication of this decree, and only the four rial tax shall continue.

[See article 4, of decree No. 2, of the 28th of July, 1827.]

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in the city of Leona Vicario on the 2nd of April, 1831.

JOSE J. GRANDE, President.

JOSE MARIA de MIER, D. S.

JOSE I. CANALES, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 5th April, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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DECREE No. 170.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The town of Villa Longin, which by its local situation is now entirely united to the capital of the state, shall constitute in connexion with the latter one sole town, to be called the city of Saltillo, and decree No. 29 of November 5th, 1827, is hereby repealed.

ART. 2. On the last day of December of the current year the Ayuntamiento of the town of Villa Longin shall cease to exercise its functions, and that of the capital shall extend its jurisdiction to the whole municipal district of said town.

ART. 3. The archives, building, and other public property destined to purposes, the cost whereof is necessarily defrayed by the municipal funds, shall pass to the sole corporation or Ayuntamiento that shall remain.

ART. 4. Decree No. 140 of the 21st of April last is hereby repealed.

ART. 5. For this time only, and by joint consent, the present Ayuntamiento of Leona Vicario, and that of Villa Longin shall appoint the public places where the municipal meetings, for electing the Ayuntamiento for 1832, shall be holden.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 2nd April, 1831.

JOSE de J. GRANDE, President.

JOSE M. MIER, D. S.

JOSE I. CANALES, D. S.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 171.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Decree No. 105, bearing date the 5th of September, 1829, is hereby repealed.

ART. 2. The amount delivered by the private individuals comprised in article 1st of this decree in compliance that that of 105 shall be respectively returned.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 5th of April, 1831.

[The same Signers.]

That the foregoing decree may have the effect intended by congress on issuing the same, the following provisions shall be observed.

*First.*—Every individual, who, agreeably to the provision of article 1st of decree No. 105 has exhibited any part of his capital, shall apply to the corresponding judicial authority, requesting the necessary vouchers, in order to shew the aforesaid exhibition, and shall forward a representation accompanied by said vouchers to the executive of the state, that he may give the proper orders with respect to the restoration thereof.

*Second.*—The chief agents or clerks of the tobacco department referred to in article 5, of the regulations issued by the executive on the 12th of September, 1829, for executing the aforementioned decree No. 105, as the persons charged with the collection of the tax imposed on individuals belonging to the civic militia, and excepted by virtue of the provision of article 11, of the decree aforesaid, on the publication of this decree, shall adjust the accounts it has been their duty to keep relative to this subject; and getting together what is due from the persons interested, the collection shall no longer be continued.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Leona Vicario, 6th April, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 172.

The Congress of the State of Coahuila and Texas, since no measures heretofore taken have sufficed to prevent the escape of criminals,

which is taking place daily on account of the insecure condition of the prisons of the state, has thought proper to decree as follows:

The Alcaldes may put delinquents in irons, manacles, and put their feet in the stocks until the prisons of the state which now afford no security, are repaired.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 2nd April, 1831.

[The same Signers.]

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Leona Vicario, 5th of April, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 173.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Decree No. 70, issued on the 13th of January, 1829, is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 8th of April, 1831.

[The same Signers.]

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Leona Vicario, 8th April, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 174.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The counsellor who takes cognizance in cases wherein the attorney general of the tribunal of justice is prevented by legal impediment, shall receive the same compensation as the latter.

ART. 2. The pay mentioned in the foregoing article shall be according to the tax made agreeably to the fixed rate by the minister of the hall to which the cause belongs.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 15th of April, 1831.

JOSE JESUS GRANDE, President.

JOSE MARIA de MIER, D. S.

P. de la F. FERNANDEZ, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Leona Vicario, 18th of April, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 175.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The executive may unite the offices of chief agents and clerks of the tobacco, with those of the excise department and receivers offices thereof, when on so doing the officers of the former are not violently deprived of their stations.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th April, 1831.

JOSE JESUS GRANDE, President.

JOSE MARIA de MIER, D. S.

JOSE IGNACIO CANALES, D. S.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 176.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Raw cotton, large and small stock, and horse kind shall be free from all taxes for the term of six years.

ART. 2. Sugar plantations, vine-yards and all the products thereof shall have the same privilege for the term of twelve years.

ART. 3. The privilege of exemption from taxes, accorded in article 1st shall be granted only to cultivators and stock raisers belonging to the department of Monclova and Bexar.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th of April, 1831.

JOSE JESUS GRANDE, President.

JOSE MARIA de MIER, D. S.

JOSE IGNACIO CANALES, D. S.

Wherefore I command it to be printed, published circulated and duly fulfilled.

Leona Vicario, 29th April, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 177.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive is hereby authorized to alienate the lands that pertained to the extinguished Missions, conforming in so doing to the colonization law of the 24th of March, 1825.

ART. 2. The town property or securities, that pertained to said Missions. shall be sold at public auction according to law.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 29th of April, 1831.

MANUEL MUZQUIZ, Vice President.

JOSE IGNACIO CANALES, D. S.

FRANCISCO de S. ARREOLA, D. S.

Wherefore I command it to be printed, published circulated and duly fulfilled.

Leona Vicario, 2nd of May, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 178.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Articles 3, 5, 6 and 7, of decree No. 38, of the 27th of November, 1827, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 29th April, 1831.

[The same Signers.]

Wherefore I command it to be printed, published circulated and duly fulfilled.

Leona Vicario, May 1st, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 179.

The Congress of the State of Coahuila and Texas, in order to supply the deficiencies noticed in decrees No. 28, and 80, issued on the 2nd of November, 1827, and 26th of February 1829, relative to the penalties imposed on smugglers of tobacco, has thought proper to decree the following as additional articles to the aforementioned decree:

ART. 1. Every smuggler, upon whom less than 25 pounds of tobacco shall be seized, however small the quantity, shall incur a fine of twenty-five dollars, and should he fail to pay said fine, he shall be destined two months to public works.

ART. 2. Any merchant, who, under any pretence whatever, shall sell cigars belonging to the state, without the knowledge or consent of the chief agent, shall pay twelve dollars fine, or be imprisoned one month.

ART. 3. Upon those who repeat the like offences, double the punishment, which shall be the corporal, shall be inflicted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th April, 1831.

[The same Signers.]

Wherefore I command it to be printed, published circulated and duly fulfilled.

Leona Vicario, 2nd May, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 180.

The Congress of the State of Coahuila and Texas has thought proper to decree:

During the years 1831 and 1832, the Ayuntamiento of the town of Austin, shall exact only one-half the taxes mentioned in the 8th chapter of the ordinances thereof, and shall dedicate the product thereof to the construction of town halls, and a jail in said town.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th of April, 1831.

[The same Signers.]

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Leona Vicario, 2nd May, 1831.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 181.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The ecclesiastical authorities of Nuevo Leon and Durango shall forward to the executive of the state, a circumstantial list of the person or persons intented as candidates for the benefices mentioned in the general law of the 16th of May, 1831.

ART. 2. The governor shall refer the aforementioned list to the council, that the latter may report whether the applicants possess the qualifications required by the canon law, church statute, and existing laws, and determine whether said persons are dangerous to the public tranquility.

ART. 3. The following shall be considered dangerous persons: native Spaniards; those who have given cause to be classed as revolutionary persons, or as attached to a monarchical or central form of government.

ART. 4. The executive in view of the report of the council shall determine with respect to the exclusion or admission of the respective candidates.

ART. 5. Should the report of the council be at variance with the opinion of the governor, the latter shall proceed according to the 9th article of decree No. 37.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 25th January, 1832.

FRANCISCO CARREAGA, D. President.

FRANCISCO de S. ARREOLA, D. S.

CESARIO FIGUEROA, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 25th January, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

#### DECREE No. 182.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Decree No. 146 of the 30th of April, 1830, is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 7th February, 1832.

JOSE JESUS GRANDE, President.

MANUEL MUZQUIZ, D. S.

CESARIO FIGUEROA, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 28th April, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

DECREE No. 183.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Persons not born within the territory of the republic of Mexico are hereby prohibited from retailing national and foreign effects, and shall be permitted to sell only by half or entire mule loads.

ART. 2. Spaniards not comprised in the general law of exile, of the 20th of March, 1829, and those excepted by the general congress since the enactment of said law, shall be excepted from the foregoing article.

ART. 3. Eight days from the publication thereof, this law shall have its full effect with respect to those mentioned in article 1st, now engaged in retailing goods in the state.

ART. 4. No Mexican or Spaniard, comprised in article 2nd, shall retail the effects of any foreigner or foreigners within the state, whether on commission, in company or under any other pretext, unless he proves to the Alcaldes of the place, by a proper writing, that he has acquired full control and ownership in the said goods.

ART. 5. For infringements of this law the power to institute a judicial process shall be common to the people. The Alcaldes of themselves, or solicited by any other person, shall proceed against the transgressors.

ART. 6. The penalty imposed upon offenders shall be from one to two years destination to a fortress, and the confiscation of their goods; and after deducting the costs of court, one half the value of said effects shall go to reward the informers and captors, and the other shall be added to the public treasury.

ART. 7. In the colonies of the department of Texas, also throughout the state, foreign colonists may sell the effects produced by their own art or industry at wholesale and retail.

ART. 8. Foreigners who settle in the state and follow therein any useful trade or industrious pursuit, may sell the effects, to which this law gives rise, at wholesale and retail.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 9th April, 1832.

JOSE MARIA de AGUIRRE, President,  
FRANCISCO S. de ARREOLA, D. S.  
CESARIO FIGUEROA, D. S.

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DECREE No. 184.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

Three years additional term is hereby conceded to Santiago Power,

to effect the colonization settlement which he contracted with the executive of the state in April 1828.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 22d of March, 1832.

JOSE IGNACIO CANALES, President.

CESARIO FIGUEROA, D. S.

FRANCISCO S. de ARREOLA, D. S.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 185.

Three years additional term is hereby granted to John Cameron to fulfill the colonization contracts which he ratified with the executive of the state, on the 21st of May 1827, and 19th of September, 1828.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 3d of April, 1832.

JOSE JESUS GRANDE, D. President.

MANUEL HERNANDEZ, D. S.

MANUEL MUZQUIZ, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 4th April, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 186.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

The executive, besides the sum specified in his last report for repair in the prison in the capital, is hereby authorized to dispose of three thousand dollars of the state rents, to be restored as early as possible from the municipal funds of the capital.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 3rd of April, 1832.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 4th April, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 187.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. The fair annually holden in this capital shall commence on the 23d of September, and close on the 8th of October.

ART. 2. All the national effects introduced from the 8th of September to the 8th of October, and consumed during the time of the fair shall pay one-half the duties at present collected in the state.

ART. 3. During the time the fair shall be holden in this capital agreeably to article 1, the law No. 183 shall not be fulfilled except so far as relates to retailing national effects.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 16th of April, 1832.

FRANCISCO CARREAGA, Vice President.

CESARIO FIGUEROA, D. S. *ad interim*.

JOSE I. CANALES, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 18th of April, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 188.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

The excise duties collected in the departments of Monclova and Bexar shall be reduced to one-half their present amount.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st April, 1832.

JOSE JESUS GRANDE, President.

MANUEL MUZQUIZ, D. S.

CESARIO FIGUEROA, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 24th April, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 189.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

The executive for the benefit of the work upon the prison, for which he is authorized by decree No. 186, in the manner that shall seem to him most proper, may also dispose of any of the city property pertaining to the corporation funds of this city, procuring in so doing that said funds suffer no injury.

For its fulfilment, the Governor of the State, shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 21st of April, 1832.

JOSE J. GRANDE, President,

MANUEL MUZQUIZ, D. S.

CESARIO FIGUEROA, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of the said state has decreed as follows:

## DECREE No. 190.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. To any Mexicans, who on the publication of this law shall resolve to settle any of the vacant lands thereof, the state hereby tenders its protection and aid.

ART. 2. Any Mexican or Mexicans who offer to effect at their own expense the removal of ninety families at least, shall present themselves to the executive, with whom they shall ratify their contracts according to this law, and shall fulfill the said contracts within the term of four years. Those who do not settle the aforementioned number of families shall forfeit the rights and privileges granted them by this law.

ART. 3. As soon as thirty families are collected, the formal establishment of the new town shall be commenced on the site most appropriate in the judgment of the executive, or person commissioned by him for the purpose; and four square leagues shall be assigned for each new town, whose area may be of a regular or irregular figure, as the local situation shall require.

ART. 4. Should any of the sites designed for founding a new town consist of land already appropriated, and the establishment be of evident general utility, it may be taken notwithstanding, observing the provision made by the constitution in restriction fourth, of article 113.

ART. 5. The executive, pursuant to the contract ratified by the empresario or empresarios, and for the better situation and formation of the new towns, and exact distribution of lands, lots, and water, shall commission a person of his confidence, a Mexican born, to act agreeably to the instruction of the 4th of September, 1827, so far as they are not opposed to this law.

ART. 6. In towns which admit of canals (for irrigation,) said canals shall be made at the expense of the persons interested. The commissioner shall divide them into channels or drains, procuring to have them made half a vara in width at least, and the same in depth, assigning one for the use of the town, and the rest for that of the fields in cultivation.

ART. 7. In the distribution of lands and waters, the empresario and new settler shall be subject to no other expense than the legal charges paid to the commissioner and surveyor.

ART. 8. To each of the families comprised in the contract mentioned in article 2, one day for watering, and one labor shall be granted, or two labors, should the land be temporal, (land cultivated during ordinary rains) and a lot sixty yards square, whereon said family shall erect a dwelling within two years, otherwise they shall forfeit the privilege. Should a family have neat stock, horse kind, or small stock, exceeding one hundred head of the two former kinds, or six hundred of the latter, the same shall be entitled to one sitio of grazing land.

ART. 9. A square of land measuring one league, consisting of five thousand varas on each side, or what is the same thing, a superficies of twenty-five million square varas shall be called a sitio, and this shall be the unit for enumerating one, two or more sitios, in the same manner as one million square varas, or one thousand varas, on each side, which shall constitute a labor, shall be the unit for reckoning one, two or more labors. The vara for this measure shall consist of three geometrical feet.

ART. 10. This law shall grant to empersarios, for every ninety families they settle in the new town, four sitios of grazing land, and three watering days from the aqueducts or canals that can be applied to the cultivation of the land pertaining to their *empresa*; but they shall receive premium only in the ratio of ninety families, although they should introduce more, and they shall be entitled to no prize land for a fraction not amounting to ninety.

ART. 11. Neither the commissioner or any other authority shall grant another lot to the same person until he shall have built upon the first.

ART. 12. Any empresario who, in consideration of the families he settles, shall acquire agreeable to article 10, more than eleven sitios, shall alienate the excess within nine years, and should he not, the respective political authority shall sell the same at public auction, and deliver the proceeds to the owners thereof after deducting the costs of sale.

ART. 13. The government may sell to Mexicans the lands they solicit, taking care that more than eleven leagues are not united in the same hands, and on the positive condition that, by the fourth year from the acquisition thereof, the purchaser shall have introduced upon said land at least thirty head of large, or two hundred of small stock for each sitio. The purchaser shall deliver one-fourth, of the value of the land granted, to the state treasury or where the executive designates, at the time of the sale; and the remaining three-fourths shall be paid, the first on the second, the second on the third, and the last on the fourth year, under penalty of forfeiting the right acquired in the part wherein this provision is not fulfilled.

ART. 14. Within the ten littoral leagues upon the coast of the Gulf of Mexico the price of each sitio shall be two hundred dollars for grazing and three hundred for tillage land, not irrigable. In the rest of the department of Bexar, the price thereof shall be one hundred dollars for the former, and one hundred and fifty for the latter kind of land; and that of the other vacant lands of the state fifteen dollars a sitio for the former, and twenty for the latter.

ART. 15. Lands, whose local situation admits of canals, and not designed for towns may be sold by the executive, to Mexicans only, at three hundred dollars each sitio in the department of Bexar, and at two hundred in the others of the state; to be paid as article 13 provides, and under the same penalty imposed therein; on the express condition that by the fourth year from the acquisition thereof the purchaser shall have

cultivated one-eighth of the land, and the same shall be observed with respect to the tillage laad not irrigable mentioned in the preceding article.

ART. 16. No change shall be made with respect to the contracts which the executive has ratified, or the concessions stipulated to purchasers or settlers by virtue of decree No. 16, of the 24th of March 1825; but the executive shall take care that, within eighteen months from the publication of this law, the purchasers enter in possession of the land which he has granted them. Those who shall hereafter ratify new contracts, or acquire new concessions by purchase, shall be required, the former to have introduced one-sixth of the families contracted within eighteen months from the ratification of the contract, and the latter to enter in possession of the land acquired, within the same term; under penalty of forfeiture for the non-fulfilment thereof.

ART. 17. All new towns shall be free from taxes of whatever denomination for the term of ten years, reckoned from the time they are founded, with the exception of those that may be generally levied to prevent or repel foreign invasion.

ART. 18. Families that remove to any of the new towns to settle therein, shall always be permitted to do so, and in consideration thereof shall be entitled to the privileges granted to new settlers by this law, for which purpose they shall appear before the commissioner, and in his default, the respective political authority, that the subject may be communicated to the executive, and their corresponding concession accorded.

ART. 19. No new settler, Mexican or foreigner, shall under any title or pretence sell or alienate the land or water that falls to his share, until after six years from the time of taking possession.

ART. 20. Mexicans or foreigners who undertake to colonize with foreign families, whose introduction is not prohibited by the general law of the 6th of April, 1830, shall be entitled to the privileges granted by article 6th of the present law.

ART. 21. The distribution of lands and waters to the foreign families mentioned in articles 18 and 20, shall be made agreeably to article 8, should they possess the merit required by this law, and they shall pay the state for the same one-third less than the price specified in article 14, and in the following manner—one-half the amount in two, and the remainder in six years from the time of taking possession.

ART. 22. To the families mentioned in the preceding article, should they possess the number of head of large and small stock, required in the second part of article 8, half a sitio of grazing land shall be granted.

ART. 23. The Ayuntamiento, each in its own limits, shall collect the aforesaid funds gratis, by a committee appointed from within or without their own body, and remit them as fast as collected to the depository or treasurer of their funds and means, who shall give the corresponding receipt for no other compensation than two and a-half per cent., which is all that shall be paid him, and who shall hold the said funds at the disposal of the executive, giving an account monthly of the amounts received and remitted, and of any negligence or fraud he observes in

their collection. For the management of the treasurer and committee, these officers themselves, and furthermore the individuals of the Ayuntamiento that shall appoint them shall be held responsible with their property: and that this responsibility may always be effectual the said appointments shall be made *viva voce*, and notice thereof shall immediately be given to the executive.

ART. 24. Foreigners, to be admitted as new settlers, shall furnish adequate proof to the commissioner, and under his responsibility, of their christianity and good moral character: these indispensable requisites shall be made to appear in the manuscript mentioned in article 9, of the instructions of the fourth of September 1827.

ART. 25. The executive shall take care that, within twenty border leagues fronting upon the United States line, and ten littoral leagues upon the coast of the Gulf of Mexico, no settlements are made that are not composed of two-thirds Mexicans, previously obtaining by request the approval of the national executive, to whom he shall forward all petitions made on the subject, accompanied by his report, whether the empresarios are Mexicans or foreigners.

ART. 26. In the distribution of lands native Mexicans shall be preferred to foreigners, and no other distinction shall be made between the former than such as is founded in their special merit and services rendered the country, or in equal circumstances, a residence in the place where the lands are situated.

ART. 27. The Indians of all nations bordering on the state, as well as the wandering tribes within the same, shall be admitted in market exempt from all duties in their traffic in the effects of the country; and should any of the same being attracted in this manner, and by the mildness and confidence with which they shall otherwise be treated, wish to establish themselves in any of the settlements, after declaring themselves in favor of our institutions and religion, they shall be admitted, and share the same quantity of land as the other settlers mentioned in this law, native Indians to be distinguished as Mexicans, and border Indians as foreigners, and the former shall not be required to furnish any stock.

ART. 28. That no vacancies be left between the tracts, which shall be carefully avoided in the distribution of lands, they shall be distributed in squares or other forms, although irregular should the locality so require, and to prevent litigation and dispute, in making the distribution aforesaid, as well as in the designation of sites, whereon new towns are to be founded, the adjoining proprietors, should there be any, shall be previously notified.

ART. 29. The survey of vacant lands that shall be made upon the borders of any river, running rivulet or creek, or lake, shall not exceed one fourth of the depth of the land granted, should the land permit.

ART. 30. Should any appropriated land be taken possession of through error in the concession, on proof thereof an equal quantity of

land entirely vacant shall be granted to the person who obtained the same, and moreover he shall be indemnified by the owner of the land aforesaid, agreeably to a just estimate made by competent judges, and according to law, for the expense he has incurred in the improvements that appear thereon.

ART. 31. Every new settler from the time of his settlement, shall be permitted to dispose of his land, although it shall not be cultivated, by testament made in conformity to the laws that are now, or shall be hereafter in force; and should he die intestate, his lawful heir or heirs shall succeed him in the enjoyment of his rights and property, assuming in both cases the obligations and conditions incumbent on the respective grantee.

ART. 32. Land acquired by virtue of this law shall from no cause be transferred in mortmain, and those who have acquired by purchase shall not alienate their land without having complied with the provision made in article 13 of the present law.

ART. 33. New settlers, who shall resolve to leave the state to establish themselves in a foreign country, shall be at liberty to do so with all their property, but after thus leaving they shall no longer hold their land; and should they not have previously disposed of the same, or should not the alienation be in conformity to art. 19, it shall become entirely vacant.

ART. 34. The executive in connection with the respective vicarial ecclesiastics, shall take care that the new towns are adequately supplied with curates, and with the concurrence of the said authority, shall propose their salary to congress, which shall be paid by the new settlers.

ART. 35. The new settlers, in respect to the introduction of slaves, shall conform to the laws that are now, or shall be hereafter enacted on the subject.

ART. 36. Servants and day laborers, hereafter introduced by foreign colonists, cannot be obligated by any contract to continue in the service of the latter longer than ten years.

ART. 37. The commissioner or commissioners, who shall be appointed agreeably to this law, shall not be suspended in their functions by any other authority than that of the executive. The judges, within whose jurisdiction the commissioners officiate, shall confine themselves to giving information with respect to the bad management they observe in said commissions.

ART. 38. Decree No. 16 of the 24th of March 1825, is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th of April, 1832.

JOSE J. GRANDE, President.

MANUEL MUZQUIZ, D. S.

CESARIO FIGUEROA, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 2nd May, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

ART. 1. A bureau of accounts, wherein those of all the public funds of the state are to be explained, shall be established in the office of secretary of state, to be continued during the suspension of the council, accorded by decree No. 59.

ART. 2. Said department shall consist of an officer, to be called officer of the bureau of accounts, and a clerk; the former shall receive one thousand, and the latter four hundred dollars salary per annum.

ART. 3. Both the officer and clerk shall be appointed by the executive, removable at his pleasure, and shall in all cases be responsible for the acts relating to their functions.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 27th April, 1832.

JOSE J. GRANDE, President.

M. MUZQUIZ, D. S.

C. FIGUEROA, D. S. *ad interim.*

Wherefore I command it to be printed, published, circulated and duly fulfilled.

That the foregoing decree may have the full effect which the honorable congress intended, I have thought proper (exercising the power conferred upon me by article 3,) to prefix the term of forty days, from date, for filling the stations pertaining to the bureau of accounts newly created in the office of secretary of state, for those citizens who consider themselves duly qualified for said stations to manifest in writing, within said term, the services they have rendered the country, and their qualifications, with such documents as they deem sufficient for that object.

Leona Vicario, 27th of April, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 192.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The years additional term are hereby granted to the empresarios Joseph Bellhein and David G. Burnett in order that they may accomplish the establishments of colonization which they contracted with the government on the 21st and 22nd of December, 1826.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 27 of April, 1832.

JOSE JESUS GRANDE, President.

M. MUZQUIZ, D. S.

C. FIGUEROA, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 28th April, 1832.

J. M. de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 193.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Licence is hereby granted to the governor of the state, for the term of twelve days, to repair to the state of Nuevo Leon for the purpose of consulting his health.

ART. 2. The Vice Governor being absent from the capital, in conformity to decree No. 50, the president of the tribunal of justice shall officiate as governor.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th of April, 1832.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 28th April, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 194.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Arbitrators, and the third person in case of disagreement, as the case may be, who shall not render their decision within the term of one month prescribed them by article 110 of law No. 39, shall thereby incur a fine of fifty dollars each besides paying the damages accruing to the parties, the indemnification to be made between both persons, or by one only, should the other on his part have complied. In this case the contending parties shall immediately proceed to choose new arbitrators.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th of April, 1832.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario. 1st of May, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 195.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Joseph M. Bangs and Philip Dimitt, in consideration of their having families, born in the state, are hereby excepted from article 1, of decree No. 183.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th of April, 1832.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 1st of May, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 196.

The Congress of the State of Coahuila and Texas, has thought proper decree as follows:

ART. 1. In the Southern portion of the municipality of Austin a new municipality shall be formed, of which the town of Brazoria shall be the capital.

ART. 2. The limits of said municipality shall be as follows: commencing at the mouth of Clear Creek on Galveston Bay, following the principal branch of said creek to its source; thence southwesterly in a straight line to strike the Brazos four leagues above the mouth of Big Creek, thence in a straight line to the confluence of Guajolote Creek and the river San Bernard; thence due southwest to the distance of five leagues west of the Colorado; thence to the source of Trespacios Creek, descending said creek to its entrance into Matagorda Bay; thence following the beach upon the coast northward and eastward to the place of beginning.

ART. 3. The executive shall accord the proper measures in order that the inhabitants of Brazoria, at the approaching elections for new Ayuntamientos, may proceed to elect the Ayuntamiento established by this law.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th of April, 1832.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 1st of May, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 197.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Individuals of the standing army in actual service have not possessed and do not possess the right of voting for the public officers of the state.

ART. 2. The fortress militia in the state shall be permitted to vote at electoral meetings only in the places of their station.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 28th April, 1832.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 1st May, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 198.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The lots mentioned in the first part of article 47, of decree No. 98, shall be taxed to the amount of 77 dollars, the respective quota to be allotted to each in the ratio of the number of square varas, of which it consists.

ART. 2. For the watering days afforded by the different canals in the municipality of Bexar, each one shall be taxed two rials per annum, with the exception of those of the labor below.

ART. 3. The first part of article 47, and the 11th and 13th clauses of article 49 of decree No. 98, of the 13th of May 1829, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in the city of Leona Vicario on the 30th April, 1832.

JOSE MARIA de AGUIRRE, D. President.

MANUEL MUZQUIZ, D. S.

P. de la FUENTE FERNANDEZ, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 1st May, 1832.

JOSE MARIA de LETONA.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor, of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 199.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. All national effects introduced since the 8th inst., and that shall be introduced and consumed up to the 8th of October next, shall pay only one half the excise duties at present collected in the state.

ART. 2. Hereafter, every year, those introduced and consumed from the 8th of September to the 8th of October, shall be allowed the same privilege.

ART. 3. Article 2, of decree 187, is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in the city of Leona Vicario on the 17th September, 1832.

JOSE JESUS GRANDE, D. President.  
P. de la FUENTE FERNANDEZ, D. S.  
JOSE CAYETANO RAMOS, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 18th September, 1832.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known that the congress of said state has decreed as follows:

DECREE No. 200.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Immunity from the penalty of incapability of holding any office of profit or trust in the state, adjudged him by the first hall of the tribunal of justice for the term of two years, is hereby granted to Pablo Hernandez of Villa Longin.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 25th September, 1832.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 26th September, 1832.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

## DECREE No. 201.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The resolution adopted by the standing deputation on the 11th of August last, is hereby approved.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 2nd September, 1832.

[The same Signers.]

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known that the congress of said state has decreed as follows:

## DECREE No. 202.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The five per cent. consumption duty on foreign effects shall be increased one per cent., for the municipal funds of the state.

ART. 2. The revenue agents shall take care to make this collection, and deliver to the respective Ayuntamientos monthly, the amount collected.

ART. 3. This decree shall go into effect in eight days from the publication thereof.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 29th September, 1832.

MANUEL MUZQUIZ, D. President.

JOSE CAYETANO RAMOS, D. S.

FRANCISCO S. de ARREOLA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, September 30, 1832.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known that the congress of said state has decreed as follows:

DECREE No. 203.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive shall direct that the Ayuntamiento of this capital be supplied with fifteen hundred dollars, from the state revenue, for purchasing the small public square of Villa Longin, called las Cruces.

ART. 2. Said Ayuntamiento shall refund the aforementioned sum in two years from the time the loan is made.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th September, 1832.

MANUEL MUZQUIZ, D. President.

FRANCISCO de S. ARREOLA, D. S.

P. de la F. FERNANDEZ, D. S. *ad interim*.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario.

RAFAEL ECA Y MUZQUIZ.

SANTIAGO DEL VALLE, Secretary.

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DECREE No. 204.

The Congress of the state of Coahuila and Texas, having proceeded to examine the votes given at the last elections for a voter, proper—and a substitute to the executive council, and none of the candidates having received the number required by article 133 of the constitution, has thought proper to decree:

J. Estrada, of Parras, is hereby elected councillor proper.

A. Gutierrez, of this city, is hereby elected substitute councillor.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 4th of January, 1833.

A. VIESCA, President.

D. ELISONDO, D. S.

J. M. URANGA, D. S.

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DECREE No. 205.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The resolution adopted by the permanent deputation on the 11th of August, to which the decree of congress, bearing date the 27th of September, 1832, refers, wherein his excellency general Manuel Gomez Pedraza is recognized as president of the republic, constitutionally elected, is hereby confirmed.

ART. 2. Pursuant thereto the state of Coahuila and Texas shall obey all orders and decrees by him issued as legitimate president within the sphere of his constitutional powers.

ART. 3. The state shall not support any convention that is now, or shall be hereafter established, tending directly or indirectly to attack the federal form of government and the state sovereignty.

ART. 4. The state, legally represented by its present legislature, solemnly protests, against any violation in respect to the acts of the internal administration and government thereof.

ART. 5. The executive of the state, in the internal relations thereof, shall proceed in conformity to this decree, and shall dictate all the measures in the compass of his powers in support of the same.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 6th January, 1833.

[The same Signers.]

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DECREE No. 206.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The state of Coahuila and Texas recognizes as the will of the nation, only that which shall be freely manifested through the legitimate organ of the state legislatures.

ART. 2. Whatever measure of pacification shall be approved by the absolute majority of these sovereign bodies, the same shall be supported by the legislature of this state, which although it should be of a contrary opinion, in such an event shall sacrifice it in behalf of the public interest.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 6th January, 1833.

[The same Signers.]

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 207.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The collection of the two per cent. on foreign goods mentioned in the general law of the 22nd of August 1829, shall be made in the man-

ner provided by the law of the 14th of March 1828, for collecting the three per cent. levied on said goods by decree of the 22nd of December 1824.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Leona Vicario on the 15th January, 1833.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Leona Vicario, 15th January, 1833.

JUAN M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

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DECREE No. 208.

The Congress of the State of Coahuila and Texas has thought proper to decree:

When the vice governor officiates on account of lasting impossibility or the death of the governor, he shall receive, from the time he enters in possession of office, the entire salary assigned the latter.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 23rd of January, 1833.

[The same Signers.]

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DECREE No. 209.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The two per cent. levied as a state rent, on the 31st of July 1827, upon the exportation of coin, shall be exacted only on taking it from any town to be carried without the limits of the state.

ART. 2. In the same manner silver in bullion, shall pay a tax of three per cent. at the place from which it is first taken, and the corresponding paper, shewing said payment, being taken along, the collection shall not be repeated at any other place.

ART. 3. Officers charged with the collection, with the concurrence of the treasury judge, may allow to merchants and dealers from twenty-five to three hundred dollars for travelling expenses, and without exacting any tax, shall give them the corresponding permit for such prudential amount as they judge proper to allow them.

ART. 4. A separate account of the parcels collected corresponding to this tax shall be kept in the offices of the collectors, which shall be signed by those who pay, the officer, and first or sole Alcalde.

ART. 5. The collectors shall receive an emolument of ten per cent., out of which they shall allow seven to their subordinates, and after corresponding proof, both shall be allowed the amount expended for books, paper, and postage.

ART. 6. Silver in bullion and coin, seized without a permit, shall incur the penalty of confiscation.

ART. 7. Officers, who violate their duty in the collection of the tax mentioned in this decree, shall pay triple, and furthermore make no collection in behalf of the state, unless expressly reinstated by congress.

ART. 8. Decrees No. 3, 6 and 79 of the 31st of July, and 21st of August, 1827, and 26th of February, 1829, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 25th January, 1833.

[The same Signers.]

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DECREE No. 210.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Decrees No. 108, 110 and 113, are hereby repealed.

ART. 2. Decree No. 147, in the part wherein No. 88 was repealed, shall continue in force.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 29th January, 1833.

J. F. MADERO, President.

J. M. de URANGA, D. S.

J. M. del MORAL, D. S.

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DECREE No. 211.

Taking into view the following ground: *First*,—That by decree of the 6th inst., this legislature offered to sacrifice its opinion in behalf of the public interest, and support any measure of pacification which the majority of the legislatures of the several states might adopt. *Second*,—Until the present, no certain information on that subject has been received. *Third*,—There are sufficient data for believing that the plan of Zavaleta, in the principal part thereof,—the election of the members of the general government—has been adopted. *Fourth*,—Said election is of the greatest importance to avoid being without a national government on the first of April next, and to prevent the repetition of disasters which have terminated favorably for the present. *Fifth*,—This legislature has made known to the president that it would not contribute to so great an evil by omitting to hold the aforesaid election. *Sixth*,—Such an event would only interrupt the order of the constitution which the state has maintained until the present, and far from effecting any good, would occasion incalculable evils. *Seventh*,—No reasonable objection can be made against the elections made

by the present congress, whose constitutionality is beyond question, and whose legitimacy has never been doubted—The Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. The State of Coahuila and Texas, faithful to its engagements, shall hold new elections to choose the members of the federal government.

ART. 2. For that purpose the executive shall cite the electors mentioned in article 106 of the constitution to convene at this capital, and proceed on the last Sunday in February to choose the deputies and a substitute to the house of representatives of the general congress.

ART. 3. On the 1st of March the election shall be holden for President and Vice President of the Republic, and two senators, in the manner the constitution provides.

ART. 4. Said elections shall continue in force only in case they are in accordance with the will of the nation, and the state hereby submits the renewal of its present legislature to the future general congress.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 30th January, 1833.

A. VIESCA, President.

D. ELISONDO, D. S.

J. M. URANGA, D. S.

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DECREE No. 212.

Whereas, *First*,—It is of the greatest importance to regulate the right of petition. *Second*,—From the want of a law on a subject of so much moment, acts of disorder have been committed, and enormous evils have arisen. *Third*,—Under shelter of said right, and pretence of exercising the same, the turbulent scenes, which on other occasions have compromised the public order, may be repeated. *Fourth*,—It manifestly belongs to the internal administration of the state to establish the rules which are to govern on this subject within its territory,—The Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. The supreme authorities constitutionally elected, are the sole representatives of the state, and any corporation or person, who assumes the voice of the people to make any petition, usurps the rights of society, and excites disorder.

ART. 2. Every citizen is authorized to demand redress of public officers for faults committed in the discharge of their duties, and to petition as he deems proper for the general good of society, or private good of individuals of whom it is composed.

ART. 3. Said demands or petitions shall be made to the proper authority, and expressly in writing, couched in decorous language, and signed by no more than three persons. Should they be deficient in all or any of these requisites, they shall not be accepted.

ART. 4. All petitions contrary to the constitution, or rights guaranteed the citizens therein, shall likewise be rejected. Petitions for the repeal or legal reform of any one or more of the existing laws shall not be understood as contrary to the constitution.

ART. 5. No petition, although just, if made by armed persons, or with tumult and riot, or in any other way shewing a disposition to extort the resolution desired, shall receive attention.

ART. 6. Any measures obtained by any of the means prohibited in the preceding article shall be null, and after order is restored, shall no longer continue, and should any injury result to society, or to private individuals therefrom, redress may always be exacted of those who extorted the measure, who alone shall be responsible with their persons and their property.

ART. 7. The public treasury shall be indemnified in the same manner and by the same persons, for any expense incurred in the restoration of order, interrupted under pretence of exercising the right of petition.

ART. 8. Tumultuous and hostile meetings are a grave offence against the public tranquility, and the authors and doers are seditious persons.

ART. 9. In the event of any tumultuous and hostile meeting, the authors whereof are not immediately discovered, the proper authority shall select from among the disturbers of order three persons, whom, from their standing, wealth or other considerations said authority shall think most suitable, in order that, undergoing a trial *sumario*, reduced solely to identifying the persons, and proving that they were among those particularly noticed, the corporal punishment prescribed by law for the crime of sedition, be inflicted upon them, besides exacting the responsibility they may have incurred agreeably to this decree.

ART. 10. The provision of the foregoing article shall not screen the authors of tumultuous and hostile meetings, or leaders of riot, who shall be tried as such.

ART. 11. Officers charged directly with the preservation of public order, shall be personally responsible for the strict fulfilment of this law; and should they be proved to be accomplices in any of the cases herein mentioned, they shall be tried as the principal leaders thereof.

ART. 12. The laws imposing pain of death on seditious persons, and all those regulating the manner of proceeding in case of riot or tumult, so far as they are not opposed to the present law are hereby re-established.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 1st of March, 1833.

J. M. VIESCA, President.  
J. M. de URANGA, D. S.  
M. BORREGO, D. S.

DECREE No. 213.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Decree No. 50, and number 68, 148 and 191 are hereby repealed.

ART. 2. The respective acts of the public administration that has been exercised in conformity to decree No. 50, and not expressly repealed, are hereby legalized.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Leona Vicario on the 8th March, 1833.

[The same Signers.]

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DECREE No. 214.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The city of Monclova is hereby declared to be for the present the capital of the state of Coahuila and Texas.

ART. 2. The functionaries and officers required to reside in the capital shall be present at said city by the first of April next.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

Given in the city of Monclova on the 9th March, 1833.

[The same Signers.]

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*Executive Department of the State of , }  
Coahuila and Texas. }*

The Vice Governor of the State of Coahuila and Texas, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of the said state has de-created as follows:

DECREE No. 215.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Should any one or more of the electoral assemblies not have observed the provision of the constitution and laws, the computation formed by counting the votes of the remaining municipalities shall be considered the legal result. In that event the examination shall be made by the junta provided in article 60 of the constitution, and 100 of decree No. 37.

ART. 2. The same shall be understood with respect to the election of commissary of police and syndic mentioned in article 158 of the constitution.

ART. 3. Should none of said assemblies have complied with the constitution and laws, new elections shall be holden, in the manner and at the time the executive shall direct.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Monclova, on the 1st of April, 1833.

[The same Signers.]

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Monclova 3rd April, 1833.

JUAN M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 216.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The services rendered in Leona Vicario by the thirty men belonging to the civic militia of that city, shall cease; and in pursuance thereof the orders of the 5th and 26th of May 1829, those of the 8th and 22nd of March, 1830, and decree No. 168 of March 22nd, 1831, providing that said men be paid out of the state revenue, and subjecting them to the general ordinance of the army, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Monclova on the 3rd April, 1833.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Monclova, 3rd of April, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

DECREE No. 217.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Decree No. 158, prohibiting persons not born in the republic from selling goods at retail, is hereby repealed.

ART. 2. All suits commenced for infractions of said decree, whatever be their state, shall be relinquished on publication of this law.

ART. 3. Should any sums have entered the public treasury in consequence of the actions specified in the preceding article, said sums shall be returned to the persons interested, and should they have incurred corporal punishment, they shall likewise be acquitted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given in the city of Monclova on the 3d April, 1833.

D. ELISONDO, President.

M. BORREGO, D. S.

J. F. LOMBRANA, D. S.

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DECREE No. 218.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Exclusive privilege is hereby granted to Francisco Madero, for the term of eighteen years, to introduce vessels propelled by steam or horse power, sails or oars, upon the river Trinity, provided, that he shall render said river navigable at his own expense.

ART. 2. Said privilege shall commence from the time of the publication of this law.

ART. 3. During said term of eighteen years no private tax, such as the state may levy on vessels propelled by steam or horse power, sails or oars, shall be imposed on the vessels of the aforesaid empresario, who for said term shall be subject only to those that are now, or shall be hereafter established by the general laws on all vessels arriving in the ports of the republic.

ART. 4. The undertaker, to whom the aforesaid privilege is granted, may transfer the same to another person, or in part, giving notice thereof to the executive of the state; provided, that the persons to whom the transfer is made do not belong to a nation at war with the republic of Mexico.

ART. 5. Should the aforesaid undertaker, or the persons acting in his stead, not fulfil his engagement to commence the navigation of the aforementioned river in the term of three years, reckoned from the publication of this decree, they shall forfeit the rights herein conferred.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 219.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The words, *for the present*, in article 1, of the law of March the 10th instant, designating the city of Monclova as the capital of the state, shall be omitted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

## DECREE No. 220.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The collector of excise duties of Leona Vicario shall be paid a salary of fifteen hundred dollars per annum.

ART. 2. The emolument he is entitled to receive for the collection of all revenues under his charge, with the exception of tobacco and stamped paper, shall be considered as included in the salary specified in the foregoing article.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

## DECREE No. 221.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The receivers office of excise duties, established in the hacienda of San Isidro las Palomas, is hereby abolished.

ART. 2. Decrees No. 132, and 141, of the 14th and 23rd of April, 1830, are hereby repealed.

ART. 3. The executive shall dictate the necessary measures in fulfilment of this law.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

D. ELISONDO, President.

M. BORRÉGO, D. S.

J. F. LOMBRANA, D. S.

## DECREE No. 222.

The Congress of the State of Coahuila and Texas has thought proper to decree:

John Brown is hereby declared a citizen of the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

## DECREE No. 223.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The district of Saltillo shall constitute a sole department by itself.

ART. 2. The district of Parras shall constitute another separate department.

ART. 3. The executive, in appointing the police chiefs, shall proceed in conformity to the provisions of this law.

ART. 4. The office of secretary, in the departments mentioned in this decree, shall be abolished; and there shall be only a clerk of Archives, whose salary shall be three hundred dollars.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

DECREE No. 224.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. N. Moral and A. Gutierrez, for reasons they have manifested, are hereby declared unable to serve as councillors.

ART. 2. A. F. Ramos, presbyter, and F. Vidauri y Villaseñor, are hereby declared councillors proper, constitutionally chosen by congress, to serve during the term that is to expire on the first of March, 1835.

ART. 3. Licentiate J. Gonzales is hereby declared substitute councillor, elected in like manner, and for the same term.

ART. 4. P. J. de la Garza is hereby declared substitute councillor, chosen in like manner, to serve during the four years term, that commenced on the first of March last.

ART. 5. Should it not be possible for the body of council to be installed by the first of May, the executive shall accomplish it as early as possible, meanwhile consulting with the substitute most disencumbered.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 225.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The chief agent of excise at Parras shall receive a compensation of fifteen per cent. on the proceeds of that revenue.

ART. 2. To receivers belonging to his agency said collector shall allow ten per cent. on the income of their receiving offices, and shall himself be entitled to the five remaining.

ART. 3. Only to the collector two hundred dollars shall be allowed for paying a clerk, who shall officiate provisionally as surveyor at the custom house.

ART. 4. The governor is hereby authorized to furnish the agency at Parras and those at other places with such number of custom house officers, mounted or not, as he shall deem necessary, the former to receive a monthly compensation of from twenty to thirty-five, and the latter from ten to fifteen dollars.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 226.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Decree No. 184, prolonging the term in favour of the empresarios Power and Hewitson, is contrary to article 9 of the general coloniza-

tion law of the 18th of August 1824. Therefore said decree is hereby declared without value or force.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 227.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The session of grand jury shall be formed by three persons having a vote, chosen in the manner provided by decree No. 84, of whom the one first chosen shall act as foreman and the last as secretary.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 228.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The civic militia of the state shall be reduced to the proportion of one person for every hundred souls, agreeably to the census of the respective towns.

ART. 2. The number that results, after observing the basis established in the preceding article, shall be regulated in companies and otherwise as prescribed by articles 18, 19, 20 and 21 of the regulations of the national local militia of the state; in towns, whose scanty population does not give over ten soldiers, they shall be enrolled notwithstanding in order that they may form a squadron.

ART. 3. The aforesaid militia shall be subject to serve indiscriminately as cavalry or infantry, as occasion and the purposes for which they are destined shall require.

ART. 4. So far as this decree is not in opposition, that of the 23rd of June 1828, regulating the aforementioned militia, shall be observed.

ART. 5. The companies to be formed in each district shall be classed in the order of first, second, &c., the enumeration to commence with the companies of the capital of the respective district. The captain of the first company shall be the commandant of all those belonging to the district, and shall hold the rank of lieutenant colonel.

ART. 6. In two months from the publication of this law the Ayuntamientos shall have completed the formation of the militia, corresponding to their respective municipalities, agreeably to the arrangement herein prescribed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Executive Department of the State of  
Coahuila and Texas. }

The Vice Governor of the State of Coahuila and Texas, to all the inhabitant thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 229.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Municipal town and country property or securities (fincas) under charge of the Ayuntamientos, shall be reduced to private property.

ART. 2. Buildings, which on being let, yield over five per cent. per annum on their value, from being designed exclusively for commercial use, also town halls, school edifices and bread mills, shall be excepted from the foregoing provision.

ART. 3. The waters known to pertain to the municipal funds in the different towns of the department of Monclova shall likewise be excepted.

ART. 4. In respect to country securities, the alienation provided by article 1, shall be effected by distributing them among the resident citizens who apply for them on condition of paying *emphytutic* revenue hire, agreeably to the laws on the subject, so far as they are not at variance with this decree, the preference to be given to those who own property adjoining, to whom is hereby conceded the right of claiming redress for whatever is done without their citation and knowledge.—Should there be two or more adjoining proprietors, they shall enjoy this right, in the order as they own the most adjoining land.

ART. 5. City securities shall be sold at public auction, and struck off to the highest bidder, who by this act shall become subject to the aforesaid revenue in the amount of his offer.

ART. 6. Grounds cultivated or not, situated on public squares and principal streets shall be divided into portions with thirty varas front, and struck off to the highest bidder in entire conformity to the provision of the foregoing article, and the person assuming the liability for the aforesaid rent shall be obligated to build within two years at furthest upon the part of the lot fronting the street, under penalty of forfeiting his entire right should he fail so to do, in which event a new concession of the ground shall be made to another person.

ART. 7. For these contracts to be valid the following shall be required; First,—it shall appear that the person entitled to the preference by this law were cited, and that they did not wish, or were not able to exercise their right. Second,—the person assuming the payment shall bind himself responsible with the same security he receives and another or others of equal value. Third,—the annuity to be paid shall be three per cent. on the valuation of the property made at the time of the contract, or previously, should it not be further back than two years, or upon the amount at which it was struck off.

ART. 8. Should the person liable for *emphyteutic* revenue, let two years pass in succession without paying, he shall forfeit his right, it being shown him that payment was demanded.

ART. 9. Should the aforesaid person transfer the property, he shall pay one per cent. upon the value thereof to the person, in whose favour the annuity was imposed.

ART. 10. Should the person assuming the payment of the revenue wish to purchase the security he received within the first ten years, he may do so, deducting one third the value thereof, and giving notice to the executive that he may order and take care that the capital be immediately let out at a rent of at least five per cent. per annum.

ART. 11. Should said person purchase agreeably to the preceding article, he shall be allowed to pay in instalments of an amount not less than one-third of the entire amount he is to pay.

ART. 12. In case of sales the excise duty shall be paid the state according to law.

ART. 13. The bonds of all these contracts shall be stipulated in favor of the municipal funds, and the Ayuntamientos shall take special care that the annuities are punctually collected, and the proceeds paid into their treasury.

ART. 14. Securities left, from there being no one to receive them on the aforementioned terms, commercial buildings, and mills mentioned in article 2, and waters in article 3, shall be let to the person who makes the best offer, giving reasonable public notice thereof, and observing as far as possible all the formalities and requisites observed and practiced in letting the tythes. The Ayuntamientos shall have the management of said property only in the event of their being no bidders.

ART. 15. Capital let on redeemable rent, and pertaining to the municipal funds shall continue without variation. Rent due and not paid on publication of this law, should it be the desire of the persons responsible, shall become capital, the new contract being adequately secured. Capital and revenue imposed on vacant property hereinafter specified, shall be excepted from the aforesaid arrangement.

ART. 16. Debts there shall be in money in favor of the funds of the towns and capital that shall be totally or partially redeemed, shall be placed at a revenue of five per cent. per annum, with the necessary bonds and security.

ART. 17. Images, ornaments and other utensils, used particularly in religious worship, pertaining to the confraternities, and composing a part of the municipal funds, shall be delivered to the churches wherein they originated, with a formal inventory, to be signed by the parish curate.

ART. 18. Casks of wine vaults, and other chattels, pertaining to property under management of the Ayuntamiento of Parras, shall be sold at public auction, and the proceeds placed at rent in the manner provided in article 16.

ART. 19. The valuations, bonds, obligations and leases mentioned in this law, shall be executed to the satisfaction of the respective district chief.

ART. 20. No person shall be lessee or manager of property pertaining to the municipal funds without giving adequate bonds and security for his responsibility, or pledging property of his own sufficient to secure, on the part of the latter, the amount yielded in two years by the property under his direction.

ART. 21. Persons belonging to Ayuntamientos are and have been prohibited by law from being lessees or managers of municipal property. Contracts of this kind that have been made are therefore null, and shall cease to have any effect on publication of this law.

ART. 22. In all capital towns of districts, whose funds are sufficient for that purpose primary schools shall be established within six months at furthest, wherein besides the objects specified in article 215 of the constitution, the elements of geography shall be taught, and lessons given, moral and political, and on good breeding. With this object the Ayuntamientos, with the concurrence of the district chief shall designate a building as large as can be obtained for purposes of instruction and the residence of the teacher.

ART. 23. The executive shall take care that said schools be established in the other towns as early as possible, and in the manner found to be practicable.

ART. 24. Besides the private revenue there may have been established for the support thereof, one half the annual product of the municipal funds of the respective towns until said product reaches to two thousand dollars shall be appropriated to the same object.

ART. 25. By article 15 of the constitution all kinds of vacant property belong to the state; and whatever country and town securities have been kept in a state of sequestration and deposite over thirty years, and still so continue without being known to have a determinate owner, the same are hereby declared to be vacant property.

ART. 26. Said property shall be alienated agreeably to the rules and conditions prescribed by this law. The revenue they yield shall be collected annually by the chief agents of rents, of the towns within whose jurisdiction the property is situated, and appropriated to the support of schools, whose funds agreeably to article 22, are not sufficient for that object.

ART. 27. The bonds of these contracts shall be stipulated in favour of the state, which reserves to itself the immediate control of vacant property so long as it is not sold in conformity to articles 10 and 11.

ART. 28. The peremptory term of three months, not to be prolonged, is hereby granted for hearing the claims, which any person interested in property declared to be vacant from being found as represented in article 25, shall wish to offer.

ART. 29. Should any right be legally proved on having the steps within the term specified, the corresponding tribunal shall so de-

clare in respect to the capital only, and in no case, to the revenue or interest it has produced during the time of deposite.

ART. 30. Said declaration shall be made within another two months term reckoned from the time the claim was presented, during which term the person interested shall produce the proofs going to establish his object, since at the expiration thereof the declaration shall be made, and no further recourse shall be admitted.

ART. 31. No incident of this kind shall impede the alienation provided in article 26, since should the right alledged pertain to the funds of any town, the proportional part of the rent shall be awarded to the school thereof; should it pertain to any other corporation unwilling to resign it in favor of this beneficent object, said corporation shall receive annually its corresponding portion thereof; and should it pertain to any private individual, he shall be indemnified out of the public funds of the state.

ART. 32. In all departments and district capitals juntas shall be created, to be styled *Juntas for the support of public education*.

ART. 33. Said juntas shall be composed of the respective police chief, who shall be president thereof, of the parish curate, and one of the resident citizens of the place, whom, on nomination of said junta, the executive shall appoint every year, and whom, for the first time, he shall appoint of his own judgment.

ART. 34. All that concerns the education of youth, within the precincts of the district, shall be under charge of said juntas, and for attending to their object in towns where they do not reside, the alcaldes and curates of said towns shall correspond with them as associates.

ART. 35. In pursuance thereof, they shall take special care that the funds destined to the support of schools be used expressly for that object, and that they be not separated therefrom from any cause whatever; they shall also use their efforts to have parents send their children to school.

ART. 36. They shall provide the schools under their inspection with useful teachers, and well qualified, whose conduct as regards the faithful discharge of their duties they shall carefully observe, taking strict care they do not render useless by their example the lessons it is their duty to give on morality and good breeding.

ART. 37. They shall determine on those who, on account of being poor, ought to be assisted with the necessary books and paper; and of those who manifestly can conveniently pay, they shall collect the value thereof, also a moderate tax not exceeding twelve dollars per annum, which whatever it is shall be paid into the school funds.

ART. 38. They shall propose means to the executive for augmenting said funds, which shall serve to multiply the different branches of education; and they shall have charge of the direction and financial administration of the schools for public education.

ART. 39. The provisions and measures of said juntas shall be promptly and efficiently supported by the Ayuntamientos under the most strict responsibility.

ART. 40. Violations of this law, culpable omission on the part of functionaries entrusted with its fulfillment, and abuse that is made of the same, shall be public matter of complaint. Therefore every citizen may tender accusation, and demand justice therefor, before the proper authority.

For its fulfillment, the Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.  
MARCIAL BORREGO, D. S.  
JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Monclova 27th of April 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known that the congress of said state has decreed as follows:

DECREE No. 230.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive is hereby authorized to solicit empresarios to provide tanks or draw-wells upon the road leading to Chihuahua, by way of El Bolson (de Mapimi) in the part belonging to the state.

ART. 2. Tanks or draw-wells shall be made at the places called el Cuervo, Javalines, Palo blanco, and Puerto de San Jose.

ART. 3. From one to six sitios of land, in the aforementioned places shall be given to the undertakers gratis for each tank or draw-well they make in said places, and the works shall remain at their expense.

ART. 4. Should any of the places specified consist of private property, the executive shall allow the owner a reasonable and peremptory term to supply it with water, and should he not comply, it shall be understood that he has declined, and he shall receive in return an equal quantity of land, of the vacant land of this department.

For its fulfillment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.  
MARCIAL BORREGO, D. S.  
JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 2nd of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 231.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Decree No. 182 is hereby repealed; in pursuance thereof No. 146, providing against the injury that would result to the state rents from smuggling with impunity, shall continue in force in all its parts.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 1st of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known that the congress of said state has decreed as follows:

DECREE No. 232.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. In accusations made against the assessor general for crimes in office, congress resolving itself into a grand jury, shall declare whether there is a just cause of action.

ART. 2. Should the resolution be in the affirmative the accused shall be suspended, and at the disposal of the supreme tribunal of justice, to be tried in the manner established in article 197 of the constitution.

ART. 3. Decree No. 31, of the 7th November 1827, is hereby repealed.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 30th of April, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 233.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. When the first or second hall of the supreme tribunal of justice becomes vacant from licence, the minister who forms the hall might obtain, the duties belonging to that functionary shall be discharged by the minister of the third.

ART. 2. The foregoing provision shall not impede the minister by substitution from having cognizance in appeals of nulity, and others in his province, not having intervened therein. In the contrary event, he shall be considered impeded, and provision shall be made according to law.

ART. 3. Licence shall not be granted to two ministers at a time, nor longer than three months. When, for weighty and manifest reasons, it should be required for a longer time, or for leaving the limits of the state, it shall be obtained by application to congress, and during the recess thereof, to the standing deputation.

ART. 4. Should the minister to whom the license is granted be of the third hall, a substitute shall not be put in his place during the time of the licence, and only in the improbable event of the occurrence of any appeal, of those within his province, shall the respective substitute be appointed.

ART. 5. Should the tribunal have to unite during this limited period, it shall be effected by the two ministers and the attorney general, (fiscal) who shall have a vote.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 4th of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 234.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The salary of the first officer, attached to the general revenue agency at Leona Vicario, is hereby declared to be six hundred dollars per annum.

ART. 2. The second officer of said agency shall receive a salary of four hundred dollars per annum.

ART. 3. The collector of general rents in this capital shall discharge the office of State treasurer, to whom twelve hundred dollars per annum shall be assigned, as his entire salary.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

J. F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 3rd of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 235.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The channel of communication, between the executive and subordinate authorities of the state, shall be the secretary.

ART. 2. The governor shall use his entire signature in his official communications, whom they are directed to the chambers of the union, to the congress of the state, and to the president of the republic should the communication with the latter be direct.

ART. 3. With other authorities and officers, civil, ecclesiastical, and military, national or foreign, he shall use his entire or partial signature,

sustaining the dignity of his office on such occasions, by observing a decorous style of mutual correspondence.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.  
MARCIAL BORREGO, D. S.  
J. M. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 8th May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

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DECREE No. 236.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The bachelors degree, on the part of J. Estrada, is hereby dispensed with, that he may be admitted as councillor.

For its fulfilment, the Governor of the State, shall cause it to be printed, published, and circulated.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 237.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The inhabitants of the state are hereby exonerated from paying he tax imposed on persons exempted from serving in the civic militia.

ART. 2. The tax which those exempted from said service have failed to pay up to this date is hereby remitted, throughout the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.  
MARCIAL BORREGO, D. S.  
J. F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 29th of April, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 238.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Persons who pay tythes, in towns in which the law requires this tax to be paid shall pay the same only on the net proceeds of their harvests, and the stock they raise.

ART. 2. It has not been feasible to establish any suit, as respects the payment of tythes, upon any other ground than the deposition upon oath of the person, by whom the payment is to be made. All trials now pending, and without this requisite are null by law, and shall be relinquished on publication of this decree.

ART. 3. Tythe gatherers cannot induce force as regards those who are to pay; and the authorities shall grant no other aid than for the purpose of exacting the payment of what results from the free declaration of the persons interested.

ART. 4. Lessees of tythes shall remain at liberty to renew their contracts, or to relinquish them, should they consider themselves injured by virtue of this decree.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 30th of April, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The Governor, of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the Congress of said State has decreed as follows:

DECREE No. 239.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. In civil and criminal demands commenced or contested in the state by persons unacquainted with the language of the country, the respective judges of tribunals shall solicit interpreters to translate liter-

ally the contents of said demands after being duly sworn strictly and faithfully to perform the duty of their trust.

ART. 2. Said interpreters shall receive as a compensation two dollars for each demand, to be payed by the party sentenced to pay the cost. Should neither turn out sentenced to pay the cost, or should the parties compound, said compensation shall be paid equally between the contending parties.

ART. 3. In trials by writing they shall be paid at the rate of three dollars a day, payable in the same manner, and only for the days they are employed in discharging their trust.

ART. 4. Testimony legally produced in a foreign language shall be translated literally by two interpreters duly sworn, without its being sufficient that it be done by one, unless the parties so agree, or there be no other in the place versed in the language.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Monclova 1st of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

#### DECREE No. 240.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Four sitios of land, of the vacant lands of that municipality are hereby granted to the Ayuntamiento of Nacogdoches, to which possession thereof shall be given by the commissioner, whom the executive shall appoint for that purpose—with power to select said sitios in continuity or separate as may be most proper in the judgment of the said Ayuntamiento.

ART. 2. The lands mentioned in article 1, shall be under the management of said corporation in conformity to the provision that is now, or shall be hereafter made by law.

ART. 3. The products thereof, whatever they are, shall be appropriated entirely and exclusively as a fund of the primary school, wherein the Castilian language, and what is furthermore, provided in article 215, of the constitution, shall be expressly taught.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 2d of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 241.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Traders, who deal in stock that does not proceed from that of their own raising have not been, and are not included in the exemption from duties, mentioned in article 1, of decree No. 176.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

J. F. de LOMBRANA, D. S.

Wherefore I command it to be printed published, circulated, and duly fulfilled.

Given in the city of Monclova on the 3rd of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 242.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The state of Coahuila and Texas hereby recognizes sufficient power, on the part of the present congress of the union, to weigh and to resolve upon introductory propositions made by the state legislatures, for reforming the federal constitution.

ART. 2. Said power is hereby understood as ample, and under no other restriction than that of respecting the federal republican form of government, and state sovereignties.

For its fulfilment, the Vice Governor of the State, shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 4th of May 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Vice Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 243.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Article 150 of the constitution does not prohibit the political chief of Nacogdoches from being an inhabitant and resident of any other place in the department of Bexar (with which it formed a sole district) until there are persons, in that newly created, who can perform the duties of that station.

ART. 2. While the political chief of Nacogdoches is domiciliated in the district of Bexar, he shall receive a salary of eight hundred dollars per annum.

ART. 3. The dividing line mentioned in article 1, of decree No. 164 shall commence at the expanse of water formed by the Trinity and San Jacinto rivers, and continue along the margin of the latter to the headwaters thereof, thence following the line of Austin's colony, and by way of the dividing ridge that separates the Brazos and Trinity rivers, to the head waters of the latter, terminating north of the source of said river, upon Red river.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

DIONICIO ELIZONDO, President.

MARCIAL BORREGO, D. S.

JUAN F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 6th of May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Vice Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known that the congress of said state has decreed as follows:

DECREE No. 244.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The proceeds resulting from grounds for building spots, and lots that have been, and shall be granted in the departments of Monclova and Bexar, shall be annexed to the municipal funds of the respective towns.

ART. 2. In the department of Bexar, said sums shall be appropriated exclusively for a teachers fund, of primary schools, which shall be established in conformity to the laws on the subject.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

D. ELIZONDO, President.

M. BORREGO, D. S.

J. F. de LOMBRANA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 8th May, 1833.

J. M. de VERAMENDI.

SANTIAGO DEL VALLE, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor *ad interim* of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 245.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

The examination of Thomas Jefferson Chambers, as provided by decree of the 22nd of September 1830, is hereby dispensed with; in pursuance thereof he is authorized to practice as councillor in the state by sole virtue of the diploma, and credentials he has presented.

For its fulfilment, the Governor *ad interim* of the State shall cause it to be printed, published, and circulated.

JOSE MARIA VIESCA, President.

J. F. de LOMBRANA, D. S.

R. de la FUENTE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 8th January, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor *ad interim* of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 246.

The Congress of the State of Coahuila and Texas has thought proper to decree:

From default of the Governor and Vice Governor of the state, Francisco Vidaurri and Villa Senor, councillor, is hereby invested with the executive power thereof.

For its fulfilment, the Governor *ad interim*, shall cause it to be printed, published, and circulated.

JOSE MARIA VIESCA, President.

JUAN F. de LOMBRANA, D. S.

R. de la FUENTE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 8th January, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 247.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Until the law, which at present occupies the attention of congress, with respect to robbers, shall be enacted, the executive of himself, shall take whatever measures he shall deem proper for their pursuit and extermination.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

JOSE J. GRANDE, Vice President.

J. F. LOMBRANA, D. S.

R. de la FUENTE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 11th January, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of the said state has decreed as follows:

DECREE No. 248.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The phrase *legal impediment*, contained in article 1, of decree of the 15th of April 1831, shall not include temporary licences that may be obtained according to law by the fiscal of the supreme tribunal of justice.

ART. 2. The person substituted in such cases in place of the fiscal, shall receive the same salary the law assigns the latter.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

JOSE M. VIESCA, President.

J. F. de LOMBRANA, D. S.

R. de la FUENTE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 15th of January, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 249.

The Congress of the State of Coahuila and Texas, being about to reform the regulations of the civic militia of the state, has thought proper to decree.

The execution of the decree of the 13th January, in regard to regulating the civic militia in the proportion of one for every hundred souls, agreeably to the census of the towns of the state, is hereby suspended.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

JOSE M. VIESCA, President.  
J. F. de LOMBRANA, D. S.  
R. de la FUENTE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 25th of January, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 250.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The petitions of Lorenzo de Zavala and John Mac Mullen are hereby acceded to, and the term of their contracts prolonged four years.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. VIESCA, President.  
J. F. de LOMBRANA, D. S.  
R. de la FUENTE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 27th January, 1834.

F. V. y VILLASENOR

JOSE M. FALCON, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 251.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

The limitations, designated to the assessor in decree No. 166 of the 17th of February 1831, for despatching actions pending upon crimes comprised in said law are hereby dispensed with.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

JOSE MARIA VIESCA, President.  
 JUAN F. de LOMBRANA, D. S.  
 R. de la FUENTE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 30th January, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

*Executive Department of the State of  
 Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of the said state has decreed as follows:

DECREE No. 252.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The account of office expense incurred in the supreme tribunal of justice from the instalations thereof until the present time, shall be passed to the executive within the term of one month, accompanied by the respective documents, that he may, as early as possible, take the steps designated in the 6th part of article 127, of the constitution.

ART. 2. In future the same course shall be pursued at the close of every month, observing the same rules established for the office of secretary of state.

ART. 3. The foregoing arrangement shall comprise the office of secretary of the council.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.  
 JUAN F. de LOMBRANA, D. S. S.  
 JOSE Y. C. FALCON, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 31st January, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

DECREE No. 253.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Eight sitios of land are hereby granted to each of the empresarios, Santiago Power and Santiago Hewenton, of the vacant

lands of the state, as an indemnification for the expense they have incurred in virtue of the contract which they entered into in 1828; provided, that at the expiration of the terms they shall not have been able to fulfil their engagement.

ART. 2. The Executive shall take care that the grant be not established upon the lands disputed by the town of Goliad, should it be with their consent.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 254.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The words, *born in the Mexican Republic*, in article 26 of decree of the 21st of June 1827, shall be omitted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 255.

The Congress of the State of Coahuila and Texas, in order to amplify the law of the 27th of April last, which treats of reducing municipal town and country securities under charge of the Ayuntamiento to private property, decrees:

In case no adjoining proprietor appears, wishing to take for himself the country securities, of which the decree of the 27th of April treats, they shall be awarded to the person, in whose favor said proprietors have yielded their right; but should any one of the adjoining proprietors contend for the acquisition, he shall obtain it, although he should be a proprietor in a less amount of adjoining land than the person who represents the right ceded. Should neither the adjoining proprietors, or the persons to whom they have transferred their rights solicit said securities, those persons shall obtain them, who fixed the first prices.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.

R. de la FUENTE, D. S.

JOSE Y. C. FALCON, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 11th of February, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 256.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The word *y Bustamante*, in article 1, of the decree of the 21st of September, 1830, shall be omitted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.

R. de la FUENTE, D. S.

JOSE Y. C. FALCON, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 17th of February, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 257.

ART. 1. All municipal securities (*fincas*) and property of every kind, situated within the limits of the state, and pertaining to what is called *el Concurso de Aguayo*, from and after the publication of this law shall remain for account of the state, which hereby binds itself responsible for the present value thereof.

ART. 2. For that object the executive shall order an inventory and a valuation to be made, of all that exists, citing the superintendent, or general attorney, or person acting in their stead, and making substitution of persons, should difficulties be raised, in any lawful way that shall not retard the fulfilment of this decree a longer time than in his judgment shall be indispensable.

ART. 3. From the total import the following shall be taken: 1st. The excise duty arising from the sale ratified in favor of said *concurso* by Don. J. M. Valdivielzo, which shall be liquidated by the general treasury, ascertaining by research the necessary proofs, and taking them where they are found. 2nd. The amount of pecuniary penalties, to which those who attempt to defraud said duty are liable by law. 3rd.

What said securities, on said ground or any other are furthermore indebted to the state after the respective liquidations, which shall be made by the chief agents of rents of the districts, within whose limits the haciendas should be responsible.

ART. 4. The residue shall be awarded to the creditors according to their claims after being examined and comparatively estimated by the state tribunals, and according to law, whether in securities of those that are taken at the price at which they are valued at the time of paying them, or in money, or shares in conformity to sales that should already have been made.

ART. 5. Existing leases shall continue to the expiration of the term for which they were contracted, and the executive shall take care that the rents be collected by the respective agencies, and punctually paid into the general treasury; contracts entered into since the 11th instant shall not remain in force without his approbation.

ART. 6. This shall not prevent the securities from being sold, from the present time, divided into fifty portions at least, which the executive shall designate, taking for that purpose the information he shall deem necessary; but purchasers shall not receive them as their own property until the expiration of the term mentioned in the foregoing article.

ART. 7. The executive shall regulate the mode, instalments and conditions wherewith said sales are to be effected, wherein prices offered, less than the valuation of the property, shall not be accepted: and the following persons shall have the preference: 1st. The creditors themselves, when they manifestly possess peculiar rights, and hold tacit mortgage, of whom the amount placed to their credit for principal and interest shall be taken in payment, without being required to wait the term specified in article 4, and in all cases they shall give the pledge of creditors of the best claim. 2nd. Possessors now cultivating the tenements with fields or cattle thereon; and by no title shall their property fall back in mortmain.

ART. 8. The main water of the hacienda del Rosario shall be required to serve for turning the machinery of the factory, now constructing at the town of Parras, and those that shall be hereafter established, provided, that it shall not be required to change the present course thereof.

ART. 9. The state shall take one third, or one aperture of said water to favour the cultivation of the vineyards which constitute the principal means of support in said town, to be distributed among the inhabitants at present engaged in that branch of agriculture, who are not comprised in article 137 of the regulations for the politico-financial administration of the towns, and in proportion to the ground they cultivate.

ART. 10. The persons among whom it is distributed, shall be obligated to pay the value of that which corresponds to them agreeably to the estimate made in conformity to the provision of article 2, in three

instalments, payable in four, five and six years, from the time of taking possession, under penalty of forfeiting the right in case of non-fulfilment and paying furthermore a rent of five per cent. per annum, on the value of the water for the time they availed themselves thereof.

ART. 11. The provision of the two preceding articles shall be executed by the chief of that department, who shall give the titles to the persons interested, exacting from them the respective part of the costs incurred in the works it should be necessary to perform, giving notice to the executive, and communicating the proper information to the agency of rents for the collection of the instalments as they become due.

ART. 12. The vineyard of el Rosario shall be alienated under the rules prescribed in the law of the 27th of April last, with the difference that the lots into which it is divided shall have thirty varas front and sixty deep; the remainder in its alienation shall be considered as municipal country security, and granted at a revenue of five per cent. per annum, redeemable at the pleasure of the persons taking the same.

ART. 13. The annual rent, for which the present lessee of the aforesaid hacienda is obligated, shall be abated sixteen hundred dollars, as a just indemnification for what he ought to receive for the value of the water, and fruits of the vineyard.

ART. 14. The limits of the municipality of Quatro Cienegas shall be augmented from Anteojo Chico to Anteojo Grande, by way of the pass, as far as the river San Marcos, descending said river to those already designated.

ART. 15. The rubbish of the hacienda de Patos shall be appropriated for a town to be called Sant-Anna, and the executive shall regulate the construction thereof, designating the proper ground, and necessary edifices for town halls, prison, school and other public establishments; but this provision shall not go into effect until the conclusion of the present lease; yet from the present time preparatory measures, not affecting the right of the lessee, may be prescribed.

ART. 16. Another town shall be founded at the place called las Galeras de la hacienda de San Juan, to be denominated the town of Moctezuma, and the executive shall regulate the construction thereof agreeably to the preceding article, conforming moreover to the following fundamental provisions: 1st. He shall assign to said town two thirds of the waters of the aforementioned hacienda, without including the ranchos of S. Pablo, el Carmen, and Contotoros. 2nd. Said water shall be distributed in sixty shares at least. 3rd. The inhabitants of Cienegas, S. Buenaventura and Nadadores shall have the preference in the distribution, provided they have no other property of the same kind.

ART. 17. The present tenant of the hacienda of San Juan shall be at liberty to enter into a new contract for the time yet wanting for the expiration of that he has made, or to withdraw therefrom, should he think proper.

ART. 18. The right of valuation is hereby granted to the inhabitants of the respective departments within whose limits the securities to be sold are situated, with the exception solely of the preferences established in article 7.

ART. 19. During the time of his employ, the general superintendant of said property shall receive a salary of three thousand dollars per annum, and shall be subject to the executive, from whom he shall receive a detail of his powers.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

M. BORREGO, President.

R. de la FUENTE, D. S.

J. Y. C. FALCON, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 21 of February, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 258.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The salary assigned the clerks of the chiefs of department of Parras and Saltillo, by article 4 of decree of the 22nd of April last, is hereby augmented to four hundred dollars.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

M. BORREGO, President.

R. de la FUENTE, D. S.

JOSE Y. C. FALCON, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 24th of February, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

DECREE No. 259.

The Congress of the State of Coahuila and Texas has thought proper to decree:

When the executive council is reduced to two members only from default of the original president, or one of the councillors for a short

period, whether from sickness or licence, and they shall disagree in the opinions and resolutions the law requires them to give, each shall draw up his own opinion in writing both which shall be passed to the executive, and the vote he accepts, shall be regarded as the opinion or resolution of the council.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 260.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Notaries who open a public office, shall not extend their functions beyond the limits of the municipality, to which the place, where the office is established, belongs.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

M. BORREGO, President.  
R. de la FUENTE, D. S.  
JOSE Y. C. FALCON, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 26th of February, 1834.

F. V. VILLASENOR.

JOSE M. FALCON, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 261.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The law of the 27th of April last does not comprise the waters appropriated to the domestic use and convenience of the inhabitants of the towns, or those which serve for decorating and cleansing the towns.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.  
R. de la FUENTE, D. S.  
J. Y. C. FALCON, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 27th of February, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 262.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The Ayuntamientos of the towns, which of themselves or with their jurisdiction do not contain a population exceeding five thousand souls, shall be composed of an Alcalde, who shall be the president, two Regidores, and one Procurator. In those whose population exceeds this number, whatever it may be, there shall be two Regidores more; and for their election and periodical renewal the provision made in the constitution and regulations for the politico-financial administration of the towns shall be observed. Article 98 of said regulations is hereby repealed.

ART. 2. The Alcaldes shall be the exclusive officers of the peace, and shall moreover possess the attributes assigned them by the aforesaid regulations as political authorities, and in default shall be replaced by substitutes agreeably to the present custom.

ART. 3. In towns which the constitution and laws require to have an Ayuntamiento, even when their population does not amount to one thousand, and in those having from this number to five thousand, there shall be one primary judge; in those from five to ten thousand, two shall be appointed; and in all others, three, be their population what it may. San Buena Ventura shall be excepted, wherein two primary judges shall be appointed, although it does not contain a population of five thousand.

ART. 4. The attributes of said judges shall be the same that the law regulating the administration of justice, and others concordant, intrusted to Alcaldes, both for verbal demands and business in writing; and they shall, in civil cases only, receive the fees in the form the law provides.

ART. 5. Said judges shall use a staff with black tassels in token of distinction of office, and when attending upon acts of public ceremony shall unite with the Ayuntamiento after the Alcalde; and for their appointment the provision of the following articles shall be observed:

ART. 6. On the second Sunday of October the Ayuntamientos having convened shall form a list of four persons for each judge their town is required to have agreeably to the provision of article 3rd, which they shall transmit by the first post to the respective district chief.

ART. 7. Said chiefs may change the order of number of the persons comprised in the lists, and those occupying the first places therein shall be considered appointed as judges.

ART. 8. Said chiefs shall forward the lists they shall have formed, authenticated with their signature, to the respective Ayuntamientos, and the latter shall cause a copy to be immediately posted on the door of the town halls, and the original shall be deposited in the archives.

ART. 9. The president of the Ayuntamiento shall communicate their appointment officially to the persons who have obtained it in order that they may appear on the first of January ensuing to enter in possession of office and in his presence take the oath prescribed in article 220 of the constitution, which act shall not be suspended except from physical impediment of those appointed; they may afterwards manifest to the executive the reasons they may think they have for declining.

ART. 10. New appointments shall be made every year, and persons may be re-appointed but shall not be obliged to accept unless they have had a respite of two years from these and other municipal offices.

ART. 11. In case of decease of any of said judges, or legal impediment, or should the office become vacant from any other cause, the person succeeding him in the order of the respective list shall take his place on being notified by the president of the Ayuntamiento.

ART. 12. Said judges shall not withdraw from the exercise of their functions on account of private affairs, nor leave from the same cause the town wherein they reside unless by license from the district chief, who may grant it as the persons interested request, without exceeding three months during the whole year.

ART. 13. Said officers shall be served in preference to municipal offices, and for both the same qualifications shall be required.

ART. 14. The Ayuntamientos three days from the receipt of this law shall form the lists mentioned in article 6, which they shall forward to the respective political chiefs, who, conforming to the provision of article 7, shall return them as early as possible, and the presidents of the Ayuntamientos and corporations themselves shall proceed by successive and continuous acts to perform what they are by this law furthermore required until the persons appointed are placed in possession of office.

ART. 15. For this time only the primary judges may be chosen from among the persons comprized in the lists mentioned in the foregoing article, or from among those who compose the present Ayuntamientos; and to supply the municipal stations that may become vacant by this particular provision, recourse shall be had to the respective lists.

ART. 16. In order that the number of Alcaldes, Regidores and Syndicos may be reduced the present year to that designated in article 1,

the first Alcaldes now in office shall continue, and the second, where there are more than one, shall retire; of the Regidores and Syndicos the oldest in office shall retire; but should the stations, of which the Ayuntamientos agreeably to this law should consist, become vacant from the exercise of the power granted to the chiefs in the preceding article for this time, they shall be filled in the manner and form established by law in ordinary cases of this kind that occur.

ART. 17. Towns whose edifices, public squares, streets or public promenades are continuous, one with another, and whose respective inhabitants furthermore maintain a daily intercourse, trade, and connexion with each other, even should there be two or more Ayuntamientos established therein, shall be united, and incorporated into that having the greatest population, assuming the name of the latter, and being considered as one town for establishing one Ayuntamiento only, and other authorities corresponding to one municipality.

ART. 18. In said towns thus conjoined there shall be a full and entire election of the Ayuntamientos they are required to have, and the executive for carrying it into effect shall take the proper measures, analogous to the provision of the constitution and laws on the subject, in order that they may be re-established by the first of May next.

ART. 19. On the day following their restoration they shall form lists relative to the primary judges, and both they and the political chiefs shall otherwise proceed in conformity to the provisions of articles 14 and 15 of this law.

ART. 20. The respective Alcaldes shall pass to the aforementioned primary judges, as fast as they are established, the business they might have pending, and that is within the sphere of their attributes.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.

R. de la FUENTE, D. S.

J. Y. C. FALCON, D. S.

That this law may be duly and punctually fulfilled in conformity to the course prescribed to the executive in article 18, the following provisions shall be observed.—

*First*.—The municipality of San Francisco and San Miguel de Aguayo shall be annexed to that of this capital, and that of Villa Longin, to that of Leona Vicario.

*Second*.—On the 30th instant the presidents of each of said Ayuntamientos shall convoke the municipal meetings for the election of the new Ayuntamientos within the time specified and according to the manner and form the constitution and existing laws provide.

*Third*.—On said day the members of the Ayuntamiento of San Miguel de Aguayo, shall also meet with the Ayuntamiento of Monclova, and those of Villa Longin with that of Leona Vicario, forming one sole corporation, the political chief or first Alcalde of the latter presiding

for determining the members of assemblies to be formed as provided in article 43 of the constitution.

*Fourth*.—On the 6th and 7th of April an election shall be holden for one alcalde, four Regidores and one Procurador. On the Sunday next ensuing the Ayuntamientos shall meet as hereinbefore mentioned for the further acts the constitution and existing laws provide. The first Alcaldes of Monclova and Leona Vicario, shall exercise the functions of president intrusted in articles 103 and 104 of the regulations and in the other acts relative to this subject.

*Fifth*.—On the 27th of the aforesaid month the persons newly elected shall enter in possession of office.

*Sixth*.—The aforementioned four Ayuntamientos shall direct the accounts pertaining to their respective funds to be adjusted, and shall pass them with the nett amount on hand to those newly established.

*Seventh*.—The Ayuntamientos of Monclova and Leona Vicario shall receive the archives, chattels and whatever else the Ayuntamientos of San Miguel de Aguayo and Villa Longin have recognized as their own property, of which the latter shall make to the former respectively a formal delivery by inventory.

*Eighth*.—The Ayuntamientos newly elected in this capital and Leona Vicario on the day following their installation shall proceed to the fulfillment of article 19th of this decree.

*Ninth*.—As soon as the primary judges are established in the towns of the state the respective Alcaldes shall pass to them the subjects pending, books wherein the trials are recorded, and other archives belonging to the courts of justice.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 4th of March, 1834.

F. V. VILLASENOR.

JOSE M. FALCON, Secretary.

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#### DECREE No. 263.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. Since the publication of the decree of the Spanish Cortes on the 6th of March 1821, on abolishment of every kind of Entail, real estate cannot have been, or be acquired in mortmain by any title.

ART. 2. The founding of edifices built by charitable donation (obras pias) under any denomination whatever is hereby absolutely prohibited.

ART. 3. Capital which under the title of legacy or any other has been appropriated to said edifices which are not yet founded or constructed shall be adjudged, according to the order of succession which the laws point out, to the heirs of the founder.

ART. 4. When there are no heirs the capital mentioned in the foregoing article in conformity to the provision of the 15th article of the constitution shall devolve to the state treasury, and the individuals whose duty it is to deliver the same, should they fail so to doo, shall incur a fine of one fifth the import of said capital.

ART. 5. Should the persons interested to whom it belongs to demand the capital herein mentioned not verify it within the peremptory term of five months, pursuant to this sole fact it shall be declared vacant, and adjudged to the state treasury.

ART. 6. No person shall dispose of more than one tenth of the fifth of his property in benefit of his soul.

ART. 7. Judges and notaries who authorize public instruments with clauses contrary to this decree or that before mentioned of the Spanish Cortes, besides the nullity of said instruments, shall return the fees they have exacted, and be suspended, the former in the enjoyment of the rights of citizens for the term of three years, and the latter for the same length of time in their office.

ART. 8. The intervention of the ecclesiastical authority in affairs purely civil is hereby prohibited, also the testament visit in the state by the Bishops of diocess.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 264.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Article 3 of the decree of the 8th of April 1830, should have been understood even in respect to those cases which by decision of the assessor were directed to be relinquished. In pursuance thereof, the supreme tribunal of justice shall take cognizance in all those of this class that have not been forwarded to said tribunal.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

R. de la FUENTE, President.

JOSE Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 5th of March, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

## DECREE No. 265.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. A municipality shall be established at Matagorda, whose jurisdiction shall be embraced in the following limits; commencing at the entrance of Caney Creek into the Gulph of Mexico, ascending said creek to intercept the northern boundary of the municipality of Austin, thence west as far as la Vaca river, descending said river, to its mouth, and following the coast eastward to the place of beginning.

ART. 2. With this intent the Alcalde of the town of Austin shall proceed to said settlement to preside the at electoral meetings of the new Ayuntamiento according to law.

ART. 3. Another Ayuntamiento shall also be established at San Augustine on Ayish Bayou, the limits of whose jurisdiction shall commence at the junction of Little Cow Creek with the Sabine river, thence in a straight line to the mouth of the aforementioned Ayish Bayou, ascending the river Atoyac to the principal head waters thereof, thence northward to the river Sabine, descending said river to the place of beginning.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

March 6, 1834.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 266.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The waters pertaining to the municipal funds and means of the towns of Ggedo, Nava, Allende, and Morelos shall be taken by the state at a rent of five per cent. per annum on the value thereof, and adjudged to the town of Guerrero, and all expense incurred in providing ants of said town of Guerrero.

ART. 2. Those of the inhabitants of said town who are unwilling to contribute pecuniary or personally to the aforementioned works, shall have no right to avail themselves of the water conceded.

ART. 3. The rent specified in article 1, shall be paid annually to the respective towns by the state treasury, for the term of ten years, and at the expiration thereof the capital to which the waters taken amount

shall be amortized in money, should the condition of said treasury permit, or should that not be possible, in vacant lands at their lawful price.

ART. 4. Four sitios of vacant land are hereby granted to the town of Guerrero, of the vacant lands lying near the ancient established farm tract of said town.

ART. 5. For conducting the waters granted, and applying them according to the intent of this law, the executive shall take the proper measures in order that the respective channels which are to convey the main waters pertaining to the inhabitants of the four towns, from whose municipal means the water is taken for Guerrero, be respectively measured, having the proper inclination, and so made, that the water granted the latter shall run freely, and be conveyed to said town in an uninterrupted and continued current.

ART. 6. The executive shall dictate the proper measures relative to awarding the vacant lands specified in article 4.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. F. de LOMBRANO, Vice President.

J. Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 8th of March, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No: 267.

The decrees of the 4th and 25th of April, 1832, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. F. de LOMBRANO, Vice President.

J. Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 10th of March, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known that the congress of said state has decreed as follows:

DECREE No. 268.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The salary of the Governor of the state shall be four thousand dollars per annum, and one thousand which shall be paid him once every four years term, at the time of communicating him his appointment, for establishing his dwelling in the capitol.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. F. de LOMBRANO, Vice President.

JOSE Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 7th March, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of the said state has decreed as follows:

DECREE No. 269.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Only those who contribute pecuniary or personally to the labour required for rendering serviceable the lands and waters of Bilbao, annexed to the town of Viesca, in conformity to the provision of the decree of the 21st of September, 1830, shall be entitled to said lands and waters.

ART. 2. Those who have not hitherto contributed in said manner to the labour that has been suspended, shall acquire a right in said lands and waters should they submit to contribute proportionally to the expense hitherto incurred, and that it shall be necessary to incur until the conclusion of the respective works.

ART. 3. The Ayuntamiento of the town of Viesca shall publish this law in the most formal manner, that it may come to the knowledge of all persons who can acquire a right in the lands and waters herein specified, and that they may express their pleasure with regard to contributing agreeably to the provision of the preceding article, for the purpose of determining the right that belongs to them by article 1.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. F. de LOMBRANO, Vice President.

J. Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 11th March, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 270.

The Congress of the State of Coahuila and Texas, in exercise of the power conferred in article 8 of the constitution, has thought proper to decree:

ART. 1. The territory of the state, for the political administration thereof, shall be divided into the seven following departments or districts, to wit:—Bexar, Brazos, Guerrero, Monclova, Nacogdoches, Parras and Saltillo.

ART. 2. In the section denominated Coahuila, the limits and capital towns of each shall be the same as heretofore.

ART. 3. The dividing line between those of Bexar and Brazos, shall commence at the mouth of la Vaca river, and ascending said river to the southern limit of the former colony of Green de Witt; thence leaving said river and following said boundary westward until it crosses the river Guadalupe; thence taking a north westerly direction, and following the western boundary of the aforesaid colony to the road leading between Nacogdoches and Bexar; thence north, and terminating at Red River. The town of San Felipe shall be the capital thereof.

ART. 4. The limits of the department of Nacogdoches shall be the same as pointed out in decree of the 31st of January, 1831, and the town of the same name shall be the capital.

ART. 5. In each of the departments there shall be a police chief having the character and attributes the constitution and laws assign to that class of officers.

ART. 6. On receipt of this decree, the appointment of these chiefs where there are none established, shall be proceeded to agreeably to the constitution, and those appointed shall continue in the exercise of their functions until the 1st day of May, 1835, when the general election for new officers shall be holden.

ART. 7. On said year, and each succeeding four years term the executive from the month of January shall remind the Ayuntamientos, with the exception of those pertaining to the department of the capital, of their obligation to forward the reports specified in article 147 of the constitution, that the nominations of three may be seasonably proposed by the council, and that the appointment of said chiefs may be made by the Governor, who is to hold his office for the same term as themselves.

ART. 8. Said officers shall receive a salary of eight hundred dollars per annum, in payments at the end of every month, and when from default of the Vice Governor the substitute mentioned in article 116 of the constitution shall officiate as police chief, he shall receive the same salary, unless the appointment devolve on some officer whose salary is still more, in which case the provision of the laws shall be adhered to.

ART. 9. No change shall be made with regard to the appropriation for, and location of, the police halls or offices in the capital, and departments of Saltillo and Parras, and four hundred dollars per annum shall be paid to each of the chiefs of Texas, and the chief of Guerrero for all office expense.

ART. 10. In Texas, one deputy proper, and one substitute to the state congress, shall be chosen, and this arrangement shall commence to go into effect from the first election made to renew the present congress.

ART. 11. The Castilian and English shall be lawful languages in Texas; both may be used in the acts of the public administration as the case may require, except in communications with the supreme power, which shall be made expressly in Castilian.

ART. 12. Article 69 of decree No. 37 of the 13th of June 1827, shall not be in force in Texas.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

R. de la FUENTE, President.

JOSE Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 18th March, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 271.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. Exclusive privilege is hereby granted to James Grant for the term of ten years for manufacturing with machinery every kind of common cotton and woolen goods, in the three departments of Monclova, Saltillo and Parras, provided, that the machines be not of those hitherto established, and that the goods be of a better quality than those now manufactured in said departments.

ART. 2. It is hereby admitted that said Grant bind himself to purchase in preference the cotton and wool produced in said departments, and presented him by the growers or traders of said articles at the same price he could obtain them elsewhere.

ART. 3. During the term of the privilege the goods manufactured by said machines shall pay only the five per cent. duty of consumption assigned to foreign effects of that class, and at wholesale they shall be entirely free.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

R. de la FUENTE, President.

JOSE Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 26th March, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 272.

The Congress of the State of Coahuila and Texas has thought proper to decree:

SECTION 1.

ART. 1. The vacant lands of the state shall be sold at public auction.

ART. 2. A vara of three geometrical feet, and a mile consisting of a thousand varas, shall be the unit for lineal measure; and a *millonada*

containing a million square varas, or what is the same thing, a square measuring a thousand varas on each side shall be the unit for area measure.

ART. 3. The lands shall be sold at public auction by order of the executive when he thinks proper to order those of any district to be surveyed and sold, or on notice from any person interested in purchasing any land, which he may point out, and of which he may request a survey.

ART. 4. The lands in both cases shall be surveyed in parcels not exceeding a *millonada*, and after they are surveyed, the sale, and day whereon it is to be made, shall be advertised for three months, posting written slips for that object in all the municipalities of the department to which the lands belong, and in those of the two nearest departments, and should it be in Texas in all those of the three departments; describing said lands in general terms, and giving notice of the place where they lie.

ART. 5. The day appointed for the sale having arrived, they shall be offered at public auction in millonadas, or fractions of millonada, and adjudged to the highest bidder, provided, that the bid does not fall short of the minimum price.

ART. 6. The minimum price in Texas shall be ten dollars for each millonada, payable in three installments; the first in hand, the second at the expiration of the first, and the third of the second year, under penalty of forfeiting what has been paid, and of the title becoming null in case of non-fulfilment, and the purchaser may pay the whole in advance should it thus suit his convenience.

ART. 7. In the other departments of the state the minimum price shall be four dollars for the first year from the publication of this law, six the second, eight the third, and ten for subsequent years, payable in the same manner, and with the same conditions as provided in the foregoing article.

ART. 8. Foreigners, who wish to become purchasers shall make oath to obey and sustain the constitution and laws of the republic and those of the state they adopt as their country, and having complied with this requisite they shall be considered as colonists of said state, and in pursuance thereof naturalized, at the expiration of one year; before which period their titles cannot become perfected.

ART. 9. Purchasers not belonging to the state shall settle therein with their families, if they have any, within one year under penalty of forfeiting the lands purchased, and what they shall have paid thereon.

ART. 10. No person shall be molested for political and religious opinions, provided, he shall not disturb the public order.

ART. 11. The same person shall not be permitted to purchase more than two hundred and seventy-five millionadas, and no corporation or company shall be allowed to purchase.

ART. 12. For this object every purchaser, on receiving the title to his land, shall declare under oath that he has not purchased for another

person, but for himself only, or as attorney of another, whom he shall make known by his entire name, and in that case the title shall not be issued until the true purchaser appears to receive it in his own name, which shall do within one year under penalty of forfeiting his right, and what shall have been paid.

## SECTION 2.

ART. 13. For the proper regulation, and better administration of this department there shall be two general commissioners, to be appointed by the executive, one for Coahuila, the other for Texas.

ART. 14. There shall also be such number of subordinate commissioners as the executive shall deem proper, and he shall assign them in their commissions the limits of the district wherein they are to exercise their functions.

ART. 15. The attributes and duties of the subordinate commissioners shall be as follows:—To fulfil the orders and instructions of the executive, and the respective general commissioners.—Appoint surveyors duly qualified, on their responsibility, and administer them the oath specified in article 19.—Cause the lands to be surveyed in accordance with the provision of articles 3 and 4.—Keep a bound book of common paper for carefully recording the surveys therein, adding a map of the same, and signing the recital with the surveyor who made the survey, and witnesses who accompanied him.—Form a general map of his district, whereon the particular surveys, and sales that shall have been made, shall be noted down.—Furnish the advertisements mentioned in article 4, and direct them to the respective Alcaldes that they may cause them to be posted up in the most public and usual place.—Sell the lands as provided in articles 1, 3, 4, 5, 6 and 7.—Keep another bound book, wherein he shall specify all the sales he shall make, minutely describing the lands and surveys thereof, with a map, and stating the price of the sale, which he shall sign with the purchaser and witnesses.—Furnish the purchaser, without delay, a certified copy of said recital, with a map, and should the lands be in different places, a separate certificate for each.—And forward to the general commissioner the map of his district, and give to said commissioner and to the executive such information as they shall request.

ART. 16. The powers and duties of the general commissioners shall be as follows:—To conform entirely to the orders and instructions of the executive, and submit to him whatever information he requests, and what is proper with regard to lands which in his opinion may be, and ought to be sold, paying strict attention to the time specified, whereon the colonization contracts entered into previous to the publication of this law, are to expire.—Issue to purchasers in the name of the state the titles to the land sold in accordance with the certificates they present him from the subordinate commissioners, describing the lands and surveys thereof, and expressing the amount for which they were sold.—Administer the oath mentioned in article 12, and, as the case may be, that prescribed in article 8 previous to issuing to a purchaser his titles, being a

foreigner.—Record said titles in a bound book which they shall keep for the purpose, causing the person interested and witnesses also to sign the registers.—To require of the subordinate commissioners such information as they think proper, and give them the necessary instructions, receiving from them the maps of their districts.—And to form Archives of the whole.

ART. 17. The titles shall be issued on paper of the seal corresponding to the amount negotiated in conformity to the existing laws.

ART. 18. There shall be a collector in each department of the state, appointed by the executive; and their duties shall be as follows:—To bind themselves responsible to the satisfaction of the executive, and reside at the place he designates.—Collect and receive of purchasers the price of the lands in conformity to articles 5, 6 and 7, writing out at the bottom of the titles which said purchasers shall present them from the general commissioners, the corresponding receipt, which they shall sign with witnesses.—And furthermore, to make all the liquidations and collections of what shall be due the state on any ground whatever, unless the respective authority shall otherwise direct.—Record said titles in a bound book, which they shall keep for that object, stating the survey and price thereof.—And signing the same with witnesses.—To notify the payment at such times as the executive designates, and whenever he requests.

ART. 19. The surveyors shall make oath before the respective commissioner truly and faithfully to discharge the duties of their office.

ART. 20. The course of the lines shall be determined by the magnetic needle, and care shall be taken to determine its variation from the pole in the district where the surveys are made.

ART. 21. The surveys shall be made with great caution with metallic chains made for the purpose, and care shall be taken that the place of beginning the survey of each parcel of land be established with certainty, taking the bearings and distances of two permanent objects at least.

ART. 22. Lands fronting on permanent creeks, rivers, large lakes, bays and the sea shore, shall run back double the extent of their front.

ART. 23. To avoid litigation and future difficulties the respective authorities shall present to the subordinate commissioner as soon as he enters on the discharge of his duties, all the titles and grants of land heretofore made that he may note down the same in the respective book, and cause such surveys as should not be distinct, to be rectified, that they may not interfere with one another.

ART. 24. Should the documents mentioned in the preceding article be in possession of private individuals, they shall present the same for the aforesaid object within one year, under penalty of forfeiting the right, should the lands be granted to other persons for want of this knowledge.

ART. 25. The surveyors shall receive from the purchasers of lands twelve rials for every thousand varas of lineal measure.

ART. 26. The subordinate commissioners shall receive in the same manner, five dollars for each certificate they shall issue of the sales they make.

ART. 27. The general commissioners shall receive eight dollars for every title they give.

ART. 28. The collector shall receive a compensation of six per cent. on the sums they collect and receive.

ART. 29. All the instructions for commissioners issued prior to this decree, so far as they are opposed to the same, are hereby repealed, and decrees numbers 62 of the 15th of May 1828, 190 of the 28th of April 1832, and 128 of the 7th of April 1830, are likewise repealed, with the exception of the last six articles of the latter, which shall continue in force.

ART. 30. Hereafter no colonization contract shall be made, and those heretofore made shall be strictly fulfilled, and in entire accordance with the law of the 24th of March, 1825.

### SECTION 3.

ART. 31. No petition for prolonging the time in contracts shall be passed to congress by the executive, unless authenticated so as sufficiently to prove that the persons interested have expended ten thousand dollars at least for carrying their engagements into effect, and that the non-fulfilment thereof has consisted solely in insuperable obstacles interposed by the Mexican authorities.

ART. 32. To the inhabitants of the frontier of Nacogdoches, and those residing east of Austin's colonies, titles shall be issued to the lands they occupy according to article 16 of the colonization law of the 24th of March 1825, and the resolutions of the general government of April and August 1828, and the executive shall appoint one or two commissioners for that object, who without any delay shall execute the same at the expense of the persons interested, and the titles heretofore legally issued are hereby confirmed.

ART. 33. The other colonists of the state, who, having emigrated separately, and at their own expense, within the first six years from the establishment of any colony, should not have received the augmentation conceded by said article 16 of said colonization law, shall manifest the same to the executive through the channel of the political chief.

ART. 34. To resolve in regard to said claims the executive shall appoint three commissioners, who, citing the respective empresario, shall give the colonists a verbal hearing, and decide by majority of vote whether the claimant be entitled to the augmentation. Should it be decided in the affirmative, they shall give the party the corresponding certificate.

ART. 35. Said party shall present himself to the Ayuntamiento specifying the land which he solicits, and requesting a surveyor to be appointed to run off the same, and that being done, the said Ayuntamiento shall issue him the title giving notice to the executive through the ordinary channel.

ART. 36. Settlers, who shall have received titles to their lands may sell them at any time, and the purchaser shall remain with the charge of fulfilling the duties of vender to the state, and the land shall be liable for the responsibility.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

R. de la FUENTE, President.

J. Y. C. FALCON, D. S.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 26th of March, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

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DECREE No. 273.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The executive is hereby authorized to appoint one or two professors of law to despatch the business pending in the assessor's office, and retarded by the death of the assessor, although it should be without the capital, allowing them such compensation as he shall deem proper, observing a proper degree of economy.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 274.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Should the portions mentioned in article 6 of the law of the 21st of February last, prove to be of so little importance as to fail in exciting the interest of those who might purchase, to such an extent that in one month after being advertised for sale, there should not appear bidders for three quarters of said portions at least, or even when there are, should they manifest pretensions prejudicial to the total alienation of the securities, the executive may divide them in the manner he shall judge most proper, not to injure the state, and to clear them as speedily as possible from all responsibility, paying the creditors without delay in any case wherein it ought to be done.

ART. 2. At the rancho of — town shall be founded to be called *Iturbide*.

ART. 3. The water thereof shall be divided into 30 shares and the preference given as follows: 1st. To married persons, and among these, to those having the largest families. 2nd. To the inhabitants of the department of Saltillo in parity of circumstances, provided that neither the former nor the latter possess other property of the same kind.

ART. 4. The executive shall regulate the construction of the town and assign it the proper ground, reserving its formal establishment until the expiration of the present lease.

ART. 5. The locality of the town of Montizuma shall be that which the executive shall point out as most proper.

ART. 6. Difficulties that may occur on executing this law, and that above mentioned of the 21st of February last, so as to impede their prompt fulfilment shall be removed by the executive, and he shall himself form the regulations he shall judge necessary in order that the questions, that may be agitated by those who pretend to have a right to the favours conceded in both laws, in the part that provides for the distribution of lands and waters, may be divided administratively, and without appeal or form of trial.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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DECREE No. 275.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Judges shall perform judicial acts with assisting witnesses even should there be a notary public in the district of their jurisdiction, provided, that said notary be prevented by any occupation he may have in any of the courts of justice, performing the business of his office therein at the time, or for any other reason wherein his default may impede the prompt administration of justice.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 276.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Pastorals, edicts, or orders transmitted by prelates of the diocess to towns of private individuals, as well as letters of obedience and decrees from the reverend spiritual governors of the different religious orders to those persons under their authority, who reside in the state, shall not be fulfilled therein without the corresponding permit to be granted by the executive, with the knowledge of congress, and during the recess thereof, of the standing deputation.

ART. 2. Disciplinary orders, private subjects pertaining to penitence immunity, and those which the public decorum require should be private, are hereby excepted from the provision of the preceding article.

ART. 3. Curates, prelates, vicars, and others to whom the documents mentioned in article 1, are directed, on reception thereof, shall present them to the executive that he may transmit them immediately to congress or the standing deputation. In case of contravention on the part of curates, they shall be banished from the state for the term of two years, and rejected from their benefice; and should it be on the part of the others, they shall incur the said banishment.

ART. 4. Persons who print, or re-print the edicts, &c., prohibited in article 1, shall be tried in conformity to the laws relative to the liberty of the press.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

AUGUSTIN VIESCA, President.

J. J. GRANDE, D. S.

J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 18th of April, 1834.

F. V. VILLASENOR.

JOSE M. FALCON, Secretary.

[Copied from a former Translation.]

*Supreme Government of the free State }  
of Coahuila and Texas. }*

The constitutional Governor of the State of Coahuila and Texas, to all its inhabitants: Know ye, that the congress of the same state has decreed the following:

DECREE No. 277.

The constitutional Congress of the free, independent and sovereign State of Coahuila and Texas, desirous to provide for the happiness and prosperity of their constituents, and to comply with the obligation imposed on them by the 192 article of the constitution, decree the following:

A PLAN, FOR THE BETTER REGULATION OF THE ADMINISTRATION OF JUSTICE IN TEXAS.

SECTION 1.

ART. 1. Texas shall be formed into one Judicial Circuit, which shall be denominated "*The Superior Judicial Court of Texas.*"

ART. 2. All causes civil and criminal shall be tried by juries, in the manner and form prescribed by this law.

ART. 3. The circuit shall be divided into three districts, which are the three departments of Texas.

ART. 4. The Superior court shall be composed of one superior judge, one secretary, and one sheriff, for each judicial district; and in criminal cases, the jury and one prosecuting attorney.

ART. 5. The court shall hold its sessions every four months in the capitals of the three districts, commencing in that of Bexar, the first Monday of January, April and August: In that of Brazos, the first Monday of February, May and September: And in that of Nacogdoches, the first Monday of March, June and October.

ART. 6. For the trial of civil causes, there shall be in every municipality a tribunal for each *primary* judge, composed of the judge, a *subaltern* sheriff, and the jury. Their sessions shall be held every two months of the year, commencing on the fourth Monday of the month in which the session ought to be held.

ART. 7. In all cases both civil and criminal, the jury shall be composed of twelve men, who shall be sworn, and the joint opinion of eight of them shall be considered the decision of the jury.

ART. 8. In every commissary's district there shall be one constable, to execute the orders of the commissary, and discharge such further duties as this law may designate.

ART. 9. To be constable it is necessary that the individual possess the same qualifications as are required of the commissary; and he shall be elected at the same time, and under the same regulations that are prescribed for the election of the latter.

ART. 10. The same number of *subaltern* sheriff shall be elected, and at the same time, and in the same manner as the Alcaldes: The district sheriffs shall also be appointed in the same manner and form.

ART. 11. One of the lists, which according to the 100th. article of decree No, 37, of the 13th of June 1827, are directed to be formed in every municipality for the election of district sheriff, shall be remitted to the superior judge, who on examination of all the lists remitted shall, compute the votes and declare who has been elected, giving official notice thereof to the individual so elected.

ART. 12. The prosecuting attorneys, secretaries and district sheriffs, shall be appointed by the superior judge, from among the most proper persons [of the jurisdiction;] and before him they shall take the oath prescribed by the 220th article of the constitution.

ART. 13. For the formation of the jury in civil cases, the commissaries, at the commencement of every year, shall remit to the respective Ayuntamientos, a list containing the names of all the citizens of his jurisdiction, qualified to serve as jurors, and the Ayuntamientos shall have a separate box for each *comisaria* in which shall be kept the names of the jurors, each written on a separate slip of paper.

ART. 14. One month before the opening of the sessions of the court, the Ayuntamiento shall meet, and in their presence the secretary shall draw out of each box one name, until he get 36 names, which shall then be put together into another and separate box, and a list of them shall be given to the sheriff, in order that he may cite them in due time.

ART. 15. For the formation of the jury in criminal cases the Ayuntamientos shall remit, every year, to the Ayuntamiento of the capital of the district, a list of the names of all the citizens of their respective municipalities, having the necessary qualifications for jurymen, which names separately written on slips of paper, shall be put into a box and the secretary, in presence of the Ayuntamiento, shall draw out a number of names, which multiplied by the number of the municipalities which compose the district, shall produce a result not less than 36; and shall deliver a list of them to the subaltern sheriffs, in order that they may summon them to appear at the capital of the district, on the day of the opening of the sessions of the of the superior court; and two months previous thereto, he shall transmit another list to the secretary of the district, who shall put together in one box the names thus transmitted, and keep them in this manner till the day of the approaching sessions.

ART. 16. All the acts designated in the two preceding articles shall be kept secret, and the names of the jurors shall not be divulged, until they are called on to be sworn, neither by the members of the Ayuntamientos, their secretaries, the sheriffs, nor by the jurors themselves, who shall be notified by the aforesaid sheriffs, at the time of their citation, of the obligation imposed upon them, of observing the most rigorous silence; with the understanding that the violation of this obligation will be considered as the crime of *falsehood*, and the delinquent shall suffer the correspondent punishment.

ART. 17. To be superior judge, it is required that he be a citizen in the full exercise of his rights, over 25 years of age, a lawyer by profession, and a man of probity and science. He shall be appointed by the congress, on the nomination of the governor, *en terna*, and he cannot be removed from office, except for some cause legally manifested and proved. His salary shall be three thousand dollars per annum.

ART. 18. In case the judge appointed may not be acquainted with both the legal idioms of Texas, he shall appoint an interpreter, whose salary shall be one thousand dollars per annum.

## SECTION 2.

### PRELIMINARY PROVISIONS.

ART. 19. The primary judges in the municipal capitals, and the commissaries in their respective jurisdictions, are judges of enquiry and police, for the prompt investigation of crimes and the apprehension of delinquents; and in so doing they may proceed by virtue of their office, without waiting for orders or instruction from any superior.

ART. 20. The sheriffs and constables are *executive officers*, to aid and assist the judges, and are required to comply strictly with their orders, when not manifestly contrary to some express law. In the absence of the proper officer, the judge may appoint a substitute *pro tem*.

ART. 21. The executive officers, in case of necessity, may demand of the respective commandants, the assistance of the civil militia, to carry into execution the orders which they may have received from the competent authority; and every citizen is under obligation to assist them in the fulfilment of this duty.

ART. 22. During the time of the sessions of the court, there shall be appointed by lot, six constables, who shall assist the sheriff of the district; and three others for the subaltern sheriff.

ART. 23. For this purpose, the names of all the constables of the respective jurisdictions shall be put together, and the secretaries of districts, or the primary judges, as the case may be, shall draw out the nine provided for in the preceding article, and shall communicate the result to the individuals who may in this manner have been appointed.

ART. 24. The juries are judges of all the facts in controversy, and of the laws concerning evidence, subject to the instruction of the judge, but they have the right to differ from him in opinion; but in regard to all other laws, they shall be regulated strictly according to their literal tenor.

ART. 25. The facts established by the decision of the jury shall be considered as conclusive, and cannot be controverted before any tribunal or authority, except in the single case of corruption of the jury.

ART. 26. In all criminal cases, at the time of forming the jury, the accused shall have the right to object peremptorily and without assigning his reasons to twenty of the individuals named as jurors.

ART. 27. Any person interested in the case may object to jurors on account of any of the following disabilities: For not being a citizen in the exercise of his rights; For being under twenty years of age, if married, or under twenty-five if a single man; For having committed some crime of treachery or falsehood, or any other whatever meriting corporal punishment; For want of impartiality on account of being a relative of one of the parties within the fifth degree inclusive; For having acted in the case on a former occasion, as judge, juror, arbiter, or arbitrator: For having some private interest in the case: For having been suborned, or having received pay for administering justice: For having been counsel, attorney, or agent, for one of the parties in the case pending; or for being actually his servant or master. These disabilities are absolute, and the judge shall determine them by one witness, or such other testimony as he may deem sufficient.

ART. 28. Jurors may also be objected to for any just suspicion of partiality whatever, established by indications or circumstances at the discretion of the judge.

ART. 29. All the judicial acts contemplated by this law, shall be public, except the investigation of the police.

ART. 30. The trial, in all criminal cases, shall be conducted in the language of the accused party, provided it be one of the two idioms established by law in Texas; and if a jury acquainted with the language of the defendant cannot be procured in the district where the crime was

committed, he shall be sent for trial in the nearest district in which this difficulty does not exist.

ART. 31. Both in civil and criminal cases, the parties shall have the privilege of being heard by themselves, without employing an agent or attorney, at their option.

ART. 32. In criminal cases, where the accused party may not be able to procure a lawyer or attorney to defend his cause, the judge shall appoint one for that purpose, and no one shall be permitted to excuse himself from this obligation, unless it be for some just cause approved by the judge.

ART. 33. In criminal cases, where there is no prosecutor, the prosecuting attorney shall espouse the cause in the name of public justice; and where a prosecutor appear he shall assist him in the trial.

ART. 34. The judge may continue the cause at discretion, on the solicitation of one of the parties, for not being prepared to enter on the trial for want of witnesses, or any other reasonable cause, but always in such a manner as not to retard the prompt administration of justice.

ART. 35. If the person against whom a civil suit may have been commenced, shall be about to absent himself from the place, or it is feared that he may escape, or that he may remove or conceal his effects, they may be embargoed, or he may be compelled to give bail with security, for his compliance with the sentence of the court, and for his appearance before the same, to answer the demands of the plaintiff.

ART. 36. Attorneys may be appointed in the ordinary way, or the litigant may present himself before the court, even during the progress of the trial, and name his attorney to continue and conclude the cause in his name, both signing the customary instrument in such cases. In this case the attorney is invested with all the powers and faculties of the principal himself, to follow up and conclude the action to its final sentence, being personally responsible for the abuses which he may commit to the prejudice of his employer.

ART. 37. It being an obligation due to society, that every man declare the truth when called on as a witness, before the judiciary Tribunals, in order that justice may be administered, no one shall excuse himself from so doing, unless it be under the exceptions established by law; neither can any one excuse himself, (having the proper qualification,) from serving as a juror, unless he show good and sufficient cause; and in both cases the judge may compel the individual to compliance by the infliction of fines, or imprisonment, in case the offender is unable to pay the fine.

ART. 38. The witnesses shall be paid by the parties, except in those cases where the state is a party; and the judge shall designate, discretionally, what shall be considered a just compensation.

ART. 39. In criminal cases, the witnesses shall declare verbally before the court, at the time of the trial of the cause.

ART. 40. In *plenary* and *executive* trials, and in those of enquiry, in criminal cases, a record shall be made of all the principal proceedings

provided for in this law, and in the form therein indicated. In the inferior courts, the primary judges shall make out and authenticate these records, and in the superior court that duty shall be performed by the secretary thereof.

ART. 41. The executive officers shall make out in writing, a simple, but clear and explicit statement, of the manner in which they have executed the orders of their superiors, and of all their official acts that ought to appear in trials by writing, which statement shall be signed by the secretary and district sheriff, and in the inferior courts by the primary judge and subaltern sheriff, and in the commissary's jurisdiction by the commissary and the constable.

ART. 42. These statements shall be placed, according to the nature of the case, either in the record, or in the book, or at the foot of the orders executed, and in the place which they ought naturally to occupy.

ART. 43. The official acts of the judges and commissaries shall be attested by assisting witnesses.

### SECTION 3.

#### OF THE ADMINISTRATION OF JUSTICE IN CRIMINAL CASES.

##### *Paragraph 1st.—Of the Trial Verbal.*

ART. 44. Criminal trials are divided into three parts; *Verbal*, for the correction and punishment of slight offences: The *Sumario*, which is the prompt investigation of the crime, and the discovery of the criminal, for the purpose of securing him, where the importance of the crime requires it: And the *Plenario* for the final resolution of the case, and the application of the penalty, where the nature of the case requires its infliction.

ART. 45. The violation of laws or regulations of police, the penalty of which does not exceed ten dollars, or three days imprisonment or labor in the public works, shall be punished by a verbal determination of the judge or commissary.

ART. 46. Slight infractions of law, and all delinquencies which merit no other punishment than admonition, or moderate reproof, or where the pecuniary penalty does not exceed ten dollars, shall be punished accordingly.

ART. 47. All decisions relative to these penalties, or fines, shall be recorded in a book kept for that purpose, and shall be signed by the judge and *assisting witnesses*, and shall be executed without appeal.

ART. 48. Every person who shall be cited by the competent judge for the decision of verbal trials, shall appear either personally or by his attorney, at the hour specified in the citation, and if he should casually reside in another jurisdiction, he shall be cited by an official notice, directed to the judge of the jurisdiction in which he may reside, and if he refuse to appear after such citation, the judge shall appoint for him a

suitable person to defend his case, and with him the demand shall be determined, and the sentence executed without redress.

*Paragraph 2nd.—Of the Trial Sumario.*

ART. 49. Immediately on receiving information whether by accusation, letter, official notice, or in any other manner whatever, of a crime having been committed, for which a judicial process is required to be instituted, the judge, or commissary, as the case may be, shall take an account of said information, in writing, and shall immediately take such steps as shall conduce to the investigation of the crime and the detection of its author or authors.

ART. 50. The [the judge or commissary,] shall concur personally with assisting witnesses; and others professionally instructed in such cases, if they can be had, to certify, the crime, with all its circumstances, recognising, (if it be homicide,) the body, the situation of the wounds, their dimensions, and with what weapon they were inflicted: If it be a robbery, its signs, the previous existence of the thing robbed, the mode of entrance, and what vestiges or tracks may be discovered; and in like manner in all other cases, signing the investigations made, with the assisting witnesses, and professional men, who shall previously be sworn to make a true and faithful report.

ART. 51. After these preliminaries, the judge shall take the declaration, of the accused if in his power, and afterwards examine all the witnesses, that may be had in the case.

ART. 52. When, according to the laws, the crime shall not merit the punishment of death, transportation, banishment, imprisonment, fetters, or labor on the public works, the accused shall be set at liberty, giving bail and security in conformity with the 184 article of the constitution.

ART. 53. Vagabonds, Habitual drunkards, the quarrelsome, and the delinquent who may have committed the same crime more than once, shall not enjoy the privilege mentioned in the preceding article.

ART. 54. If upon examination, it appear that the accused is not guilty, he shall immediately be set at liberty by the judge; but if the crime be proved, and the criminal ascertained, the sentence of imprisonment shall be made out within forty-eight hours after his arrest, he shall be notified thereof, and sent to the capital of the district, with a copy of the aforementioned sentence, that the alcalde may be made acquainted with his responsibility; and a summary of the whole proceeding shall be forwarded to the Secretary of the district.

*Paragraph 3rd.—Of the Trial Criminal Plenario.*

ART. 55. The district secretaries shall keep a record, in a book suitable for that purpose, according to the dates of the sentences of imprisonment, giving therein an account of the causes transmitted by the

primary judges, expressing the crime, the place and day on which it was committed, and the name of the delinquent.

ART. 56. On examination of these causes, the prosecuting attorney in conjunction with the party injured, if he appear, and wish to continue the trial, shall formally make out the accusation and shall present a list of the witnesses intended to be procured on the day of trial, expressing the place of their residence, that the sheriff may be able to cite them in due time for that purpose.

ART. 57. The defendant shall also forward to the secretary, a list of the witnesses which he intends to employ in his defence, which shall be presented in time sufficient for their citation by the sheriff.

ART. 58. The secretary shall deliver to the accused party a copy of the accusation, and of the list of the witnesses, at least three days previous to that of the trial, in order that he may be properly prepared to make his defence.

ART. 59. The opening of the session of the superior court, on the day appointed, shall be verified by an act of solemnity, in which besides the superior judge, the prosecuting attorney, the secretary, the sheriff, and the attorneys of the court, there shall be present also, all the primary judges, the commissaries, the subaltern sheriffs, and the constables of the district: The sheriffs and constables shall be seated on the right of the superior judge; and the primary judges and commissaries on the left: The prosecuting attorney, the secretary, and the lawyers, shall be seated in front around a table, and the spectators shall remain standing.

ART. 60. The superior judge shall open the sessions of the court, by pronouncing a discourse analagous to the circumstances, directed principally to the instruction of the judges, and officers of justice, in the discharge of their several obligations.

ART. 61. This ceremony concluded, the judges and officers of justice shall retire to their respective jurisdictions, and the court shall proceed to the despatch of criminal causes, according to their grade and the order of their dates.

ART. 62. That the accused may be present during his trial, he shall be brought before the court, which shall proceed immediately to the formation of the jury.

ART. 63. The box mentioned in the 15th. article of this law, containing the names of all the jurymen cited for the occasion, shall be put upon the table, and the accused, or on his refusal, the secretary, shall draw out one name, and the sheriff shall immediately cause the individual to present himself before the court, in presence of the defendant, and if not challenged by one of the parties, shall take his seat in court: This operation shall be repeated in the same manner, until the jury be completed.

ART. 64. If in consequence of objections made to jurors, the whole number shall be exhausted before completing the jury, the number that may be wanted shall be taken from among the by-standers, and those of the vicinity, whom the sheriff shall immediately cite for that purpose.

ART. 65. The number having been completed, and the jury formed, they shall take an oath, *to hear, try, and decide upon the matters in controversy, in the case then pending, truly and faithfully, according to the evidence and laws that may be produced, relative to the case, without deviating therefrom, either from favor, or enmity, fear or reward, and that they will have communication with no individual whatever, on subjects connected with the case, out of court, till they shall have given their Verdict.*

ART. 66. The court being ready to hear the cause, the plaintiff by himself, his attorney, or counsel, shall read the accusation, and explain verbally and briefly, the principal points contained in it, and the evidence which he proposes to present. The defendant shall then explain in the same manner, the grounds of the defence which he intends to make.

ART. 67. This being concluded, the evidence shall be presented, beginning with the declaration of the defendant upon the accusation, who after having concluded the relation which he shall make by himself, shall be questioned by his attorney, as he may see proper, and his examination shall be concluded by questions on the part of the Plaintiff. The judge may question him during any stage of the trial, before the summing up of the evidence.

ART. 68. After the confession, the sumario formed by the primary judge, shall be read, and the further evidence on the part of the plaintiff, shall be presented; and afterwards that of the defendant.

ART. 69. The witness, after having been sworn to depose the whole and entire truth, according to the best of his knowledge, or as he may be questioned upon the subject then before the court, shall declare with all the plainness and clearness he is capable of what he may know in the case, and the party who presented said witness shall have the privilege of asking him any questions he may think proper; the opposite party shall also be allowed the same privilege. The judge may examine the witness at any time before the final conclusion of the testimony.

ART. 70. The secretary shall make a minute of the declaration of the witness, which he shall read in his presence, that it may be corrected if necessary, and the witness shall sign it with the secretary.

ART. 71. The testimony being concluded, the plaintiff shall make a verbal plea, stating to the court the reasons and circumstances that may appear most conducive to establish his demand: The accused shall also make his defence in the same manner.

ART. 72. The judge shall then make such observations upon the evidence and facts deduced in the trial as he may think proper and necessary for the instruction of the jury, who shall then retire for deliberation.

ART. 73. During their deliberations the jury shall remain in charge of the sheriff, and shall not be permitted to communicate in any manner whatever, with persons out of court on subjects connected with the trial. The sheriff shall render them all necessary assistance, and if

it be necessary to return into court for information upon any point, he shall attend them.

ART. 74. The verdict of the jury being agreed upon by the number required by law, it shall be committed to writing, expressing all the important circumstances that may have been established by the evidence and shall be signed by all the jurors: Those however, who may dissent from the verdict shall be permitted to express their separate opinion. The decision shall then be presented to the court, and read by the secretary, in a distinct voice, that it may be corrected by the jury if necessary, and if approved, shall be added to the record.

ART. 75. In conformity with the verdict of the jury, and agreeably to the laws, the judge shall pronounce the final sentence, with which act the trial shall be concluded.

#### SECTION 4.

##### OF THE APPEAL OF NULLITY.

ART. 76. From the definitive sentence pronounced in the trial *Criminal Plenario*, the only recourse which can be attempted is the appeal of *Nullity*.

ART. 77. This appeal of *Nullity* shall be made within eight days after the sentence may have been pronounced, and before the same court in which the case may have been tried, in order that it may be transmitted to the third hall of the supreme court of justice.

ART. 78. The party that may attempt this appeal, shall express in writing, the reasons upon which it is founded, and shall deliver a copy of the same to the other party who shall make his replication within three days; it shall be admitted by the judge, and the proceedings of the trial shall be officially transmitted by him to the abovementioned hall of justice.

ART. 79. This court shall try the appeal solely upon the proceedings of the court below, without commencing a new prosecution, or requiring the presence of the parties, nor shall any attention be paid to defects that may appear in the *Sumario*, unless they be such as materially affect the case.

ART. 80. If, in the proceedings of the trial, any of the formalities or important requisites, contemplated by this law were omitted, the sentence shall be revoked by the court, citing the laws on which the revocation is founded, and the whole sent back to the original court, where a new trial shall be instituted.

ART. 81. If the principles of the law may not have been accurately applied, in the sentence, to the facts established by the jury, it shall be corrected by the supreme tribunal, citing the laws on which it [the correction] is founded, and the sentence thus corrected shall be carried into execution.

ART. 82. If this appeal of *Nullity* be made on account of bribery

of one of the jurors, who may have concurred in the opinion of the majority of the jury, an action shall be formed against said juror, without the necessity of a previous *Sumario*; he shall be taken into custody, and the trial shall proceed, with all the formalites provided for by this law in the trial *Criminal Plenario*, to the definitive sentence. If this be condemnatory, the sentence pronounced upon the verdict of the jury of which the condemned juror was one, shall be revoked, and the trial commenced anew.

ART. 83. The juror may interpose the plea of *Nullity*, in regard to the penalty that may have been imposed upon him, and in that case, all the formalities mentioned in the preceding articles in regard to cases of this nature shall be observed. The penalty inflicted on a juror convicted of bribery shall be the same as for that of perjury.

## SECTION 5.

### OF CRIMES COMMITTED BY THE SUPERIOR AND PRIMARY JUDGES.

ART. 84. In case the superior judge shall be accused of any crime whether official or ordinary, the provisions of the 197 article of the constitution shall be observed, and the legislature shall previously declare that there be just cause of action.

ART. 85. The provisions of the above cited 197th article of the constitution shall also be observed in accusations against primary judges for crimes of office, the superior court first declaring that there be just cause of action.

ART. 86. For this purpose, the accusation shall be formed without the necessity of the process *Sumario*, provided in this law, and the trial shall be entered upon and pursued according to the process *Criminal Plenario*, till the verdict of the jury. In conformity with the regulations of law in such cases, the judge shall declare whether there be sufficient cause of action, or not.

ART. 87. The declaration of the judge being in the affirmative, the plaintiff shall present his accusation in form, directed to the corresponding hall of the supreme court, which shall be added to the record, and without any examination whatever, shall be remitted to the aforementioned hall of justice.

ART. 88. In conformity with the facts manifested in the record, and without admitting new evidence, the supreme tribunal shall proceed to take cognizance of, and determine the cause, according to all the circumstances of the case, and recourses permitted by law, without the necessity of the personal appearance of the plaintiff, the *Fiscal* acting as prosecutor in the case.

ART. 89. The defendant may alledge in his defence the nullity of the record, in conformity with the provisions of this law in such cases.

ART. 90. The sentence given, the proceedings shall be transmitted to the superior court, for its execution.

## SECTION 6.

## OF THE ADMINISTRATION OF JUSTICE IN CIVIL CASES.

*Paragraph 1st.—Of the Trial Verbal, and of the Conciliation.*

ART. 91. The primary judges, and commissaries, shall determine by themselves alone, and verbally, all demands, the import of which shall not exceed ten dollars, and a record of such decisions shall be kept in a book for that purpose, and be signed by the judge or commissary and the parties, or by two witnesses in case the parties may not know how to write.

ART. 92. The decisions in these cases shall be executed in conformity which the 179th article of the constitution.

ART. 93. In all civil demands, and in those for personal injuries, the Alcaldes shall exercise the office of conciliators, in conformity with the laws to that effect.

*Paragraph 2nd.—Of the Trial by Writing.*

ART. 94. In order to commence an action by writing, the complainant shall present himself before the primary judge of the respective jurisdiction, and shall signify his demand by a petition plainly and clearly expressed, accompanied by a certificate of having attempted in vain a reconciliation with the opposite party; and without this requisite his demand shall not be admitted.

ART. 95. The judge shall immediately cite the defendant, by a written notice, appointing the day of trial, and expressing in the citation the name of the plaintiff, and the subject matter of the demand.

ART. 96. The sheriff shall notify the defendant, of the citation, and shall deliver him a certified copy thereof, and if he cannot be found, the said copy shall be left at his house, or at the house where he may reside, or if he cannot be notified in this manner, it shall be posted up in the most public place of the jurisdiction.

ART. 97. If the defendant reside in another jurisdiction, he shall be cited by an official notice directed to the judge of said jurisdiction.

ART. 98. When the defendant cannot be found, or his residence be out of the state, and under such circumstances that he cannot soon return, or being cited in the manner mentioned in the preceding article he do not reply in the time specified in the citation, or if in any stage of the trial whatever, one of the parties shall not appear, when under obligation to do so, the judge, on information and petition of the party interested, shall appoint an attorney *ad litem*, for the party absent, and the trial shall proceed in the same manner as if the party himself were present.

ART. 99. The absent party, however, may at any time appear and continue the trial in person, and in that case the powers of his attorney shall cease.

ART. 100. The defendant, or his attorney having replied to the demand, and the pleadings of the parties being concluded, the case shall be ready for trial.

ART. 101. Neither of the parties shall be permitted to present more than two *writings*, and the term of three days shall be allowed for the *Replica*, counted from that of the *Contestation*, and the same time shall be allowed for the *Duplica*, counted from that of the *Replica*; and the judge shall deliver these documents to the parties to whom they may respectively appertain, immediately on receiving them.

ART. 102. For the despatch of civil cases, the tribunals spoken of in the 6th article of this law shall hold their sessions at the times therein mentioned, and they shall continue till the conclusion of all the causes before them.

ART. 103. All causes shall be despatched according to the order of their dates, unless there be just grounds for their delay, subject to the strictest responsibility of the judge.

ART. 104. For this purpose a record shall be kept, in which shall be entered with all clearness, the causes ready for trial, according to their dates, stating the names of the parties, their attorneys, if they have any, the matter of controversy, and the day of the conclusion of the pleadings preparatory to the trial.

ART. 105. On the day assigned for the trial, the parties shall present their evidence, and for this purpose, they shall previously deliver to the judge a list of the witnesses whose testimony they require, in time sufficient for them to be summoned by the sheriff.

ART. 106. If any of the witnesses reside out of the jurisdiction, the party interested shall present his interrogatories in sufficient time, and shall give notice to the other party, in order that he may add such interrogatories as he may think proper, which he shall do within three days.

ART. 107. The judge shall transmit these documents, with an official notice to the judge of the place of residence of the witness or witnesses, or with a commission in which he shall appoint one or more examiners who shall take down in full, the testimony given, under the usual form of oath in such cases.

ART. 108. On the day appointed for the trial, and the parties being ready, the box containing the names of the jurors which have been cited according to the 16th article of this law, shall be placed before them, and the plaintiff and defendant alternately, commencing with the former, shall draw out the number of names necessary to form the jury; and during the remainder of the trial the same formalities shall be observed as are prescribed in the trial *Criminal Plenario*.

## SECTION 7.

### OF APPEALS TO THE SUPERIOR COURT.

ART. 109. The parties being satisfied with the decision of the

court, it shall be carried into execution; or otherwise either of them may, within eight days, petition for an appeal to the superior court.

ART. 110. The party who considers himself aggrieved, and may wish to interpose this remedy, shall swear that he does not intend it for the purpose of delay, but that he believes justice has not been done according to the law in his favor, and he shall present his petition within the time specified, in which he shall set forth the reasons upon which it is founded.

ART. 111. The petition shall be admitted by the judge, who shall give a copy thereof to the other party, who shall contest the same within three days, counting from that on which the petition was presented, and these documents shall be remitted to the secretary of the respective judicial district.

ART. 112. The secretary shall keep a book in which he shall take an account of all the civil cases thus transmitted, expressing the names of the litigants, the matter of controversy, and the day on which he received the documents.

ART. 113. The superior court having opened its sessions in the respective district, and the criminal cases, which have the preference, being despatched, the court shall proceed to hear and determine the civil cases, first hearing the verbal pleadings if any are to be made.

ART. 114. The superior court shall be guided in its determinations by the provisions of this law concerning the appeal of *Nullity*, from the 81st to the 83rd article inclusive.

ART. 115. The cause being returned, the judge shall be regulated by the decision of the supreme court and shall proceed without delay to carry it into execution.

ART. 116. If either of the parties shall be dissatisfied with the opinion of the superior court, he may resort to the appeal of *Nullity*, to the correspondent hall of the supreme tribunal of justice, and in that case the provisions of this law concerning the appeal of *Nullity* shall be observed, remitting a certified copy of the record, the original being returned to the respective judge for the execution of the sentence, according to the preceding article.

## SECTION 8.

### OF EXECUTIONS AND OF THE TRIAL EXECUTIVE.

ART. 117. The officer to whom a writ of execution may be committed, in criminal cases, shall govern himself with the most scrupulous exactness according to the directions of the precept, in which the judges shall take care to designate clearly all the circumstances which are to be observed.

ART. 118. In civil cases also, the executive officer shall be governed by the directions contained in the order of execution.

ART. 119. In respect to judgments which demand an order of exe-

cution, the corresponding precept shall be issued, without the necessity of a new application by the party.

ART. 120. The creditor who solicits an execution against his debtor, shall present a petition to the judge, in which he shall set forth the grounds of his solicitation, accompanied by the corresponding document.

ART. 121. If the document be of that character which carries with it *Aparejada Execucion*, the corresponding precept shall be issued without delay.

ART. 122. If the debtor can be found he shall be required by the executive officer, to satisfy the demand set forth in the precept, or to designate property on which the execution may be levied.

ART. 123. If the debtor cannot be found, or refuse to designate property, the officer shall proceed to levy the execution, first on personal property, and if this be not sufficient to satisfy the demand, secondly, on real estate, and lastly, embargoing his rights and claims, if the other property be not sufficient.

ART. 124. The property executed shall be sold at public auction, after 30 days notice to that effect having been given, by posting up written notices in three of the most public places of the jurisdiction, specifying the kind of property, and the day and place of sale.

ART. 125. The defendant may oppose the sale within eight days from that on which the execution was levied, by presenting a written statement to the judge, expressing the exception that he believes to exist in his favor. If this exception be proved before the day of sale, the property shall be returned; otherwise the sale shall take place agreeable to notice.

ART. 126. Either of the parties may request that the superior court review the sentence given upon the opposition, and in that case the provisions of the law concerning this appeal in the trial *Civil Plenario*, shall be observed. The determination of the judge in the case mentioned in the preceding article shall, notwithstanding be carried into effect.

ART. 127. Before the day of sale, the property executed shall be appraised by two persons acquainted with the value of such property, each party choosing one: If the debtor refuse to use this privilege, the judge shall appoint the appraiser and shall also appoint a third, to decide in case of a division.

ART. 128. On the day of sale the property shall be cried, and sold to the highest bidder, but at a price not less than two-thirds of its appraised value, and the judge shall give to the purchaser a bill of judicial sale.

ART. 129. In case there should be no bidders, or two thirds of the appraised value be not offered, the creditor may receive the property, in payment of his debt, with the deduction mentioned, and the judge shall give him the corresponding instrument in writing.

ART. 130. Any other creditor may oppose the payment, on account of being preferred to the plaintiff; and where there are three or more

creditors, having demands against the same debtor, and there be not property sufficient to satisfy the whole, there shall be called a *Concurso*.

ART. 134. This trial is had between the debtor and his creditors, all being plaintiffs and defendants at the same time; and these preliminary proceedings shall be concluded by two instruments of writing by each of the parties, and the trial shall proceed and be concluded according to all the forms established by this law, for the trial *Civil Plenario*, until the judgment, which in this case shall be called, the sentence of *Graduation*, because in it the order shall be designated in which all the creditors who may have proved their right shall be paid.

ART. 132. From this sentence, either of the parties may appeal to the superior court, the dispositions of the law in such cases being strictly observed.

## SECTION 9.

### GENERAL PROVISIONS.

ART. 133. That the superior judge may be respected and obeyed in the discharge of his several duties, he may impose fines, not exceeding two hundred dollars, or imprisonment not exceeding thirty days; being always responsible for the abuse of his power.

ART. 134. In the case of the appeal of nullity, should it be necessary to transmit to the supreme court a record that may be written in English, the judge shall appoint a translator, who shall translate it into Spanish and the appellant shall pay the cost of the translation.

ART. 135. The dress of etiquette of the supreme judge shall be black, or dark blue, and a white sash with gold tassels; and this dress shall be used on all solemn occasions.

ART. 136. When the judge, commissary, sheriff or constable, act unjustly, illegally, or arbitrarily, in the administration of justice, the party aggrieved may have recourse to the superior judge, who after taking the information *Sumaria* of the act, shall despatch the necessary order for the correction of the offence.

ART. 137. All the municipalities shall contribute, according to the number of their inhabitants, to the construction of a jail, in the capital of the district to which they belong, and in the meantime, for the securing of offenders, all fines and other pecuniary penalties, which may be imposed according to this law shall be applied to that object.

ART. 138. The superior judge shall give account, every month, to the government, of the state of the administration of justice in his circuit, as also the effects which this law may produce, and the difficulties or doubts which may offer themselves, in its execution, in order that he may recommend to the legislature the proper remedy.

ART. 239. The salaries established by this law shall be paid, the first year, with vacant lands situated within the judicial circuit, and at the rate of one hundred dollars for each sitio.

ART. 140. In order to give to this law the corresponding publicity, in the two languages spoken by the inhabitants of Texas, it shall be published in both idioms, and for that purpose, the governor shall appoint a translator, possessing a critical knowledge of both.

For its fulfilment, the Constitutional Governor of the State shall cause it to be printed, published, and circulated.

AUGUSTIN VIESCA, President.

J. J. GRANDE, D. S.

J. M. de URANGA, D. S.

I therefore command that it be printed, published, circulated and carried into effect.

Given in the city of Monclova on the 17th April, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 278.

With the intention of protecting the lives and property of the citizens, constantly sacrificed to the perfidy, rage, and barbarity of the hostile Indians, and desirous that so important and sacred an object may be accomplished without giving additional care to the general government, at present excessively employed in protecting the institutions of the country, also, without occasioning further embarrassment to the national treasury—entrusting the present defence of the state to its own resources, against this class of enemies who have never understood, or respected any other right than that of superior force; and exercising the right which naturally belongs to every society, of providing for its own safety, and which is entrusted by the 4th clause of article 162 of the constitution of the republic, the congress of the state of Coahuila and Texas has thought proper to decree:

ART. 1. The executive, availing himself of the resources of the state, shall repress the ferocity of the savages to shield the lives and property of the citizens from their aggressions.

ART. 2. For said object the executive may dispose of such number as he shall consider necessary of the militia which the state has in the departments wherein hostilities are committed and for paying or remunerating the militia-men, he may take of the vacant lands to the amount of four hundred sitios, distributing them agreeably to the rules and conditions he shall establish.

ART. 3. For the present twenty thousand dollars are hereby appropriated, of the first receipts of the state treasury for sales of lands made by virtue of the law on the subject.

ART. 4. No presents of any kind shall ever be made by the state to the savage tribes.

ART. 5. Trade with the savages especially in arms and ammunition, is hereby prohibited, and all persons who violate this provision shall be declared enemies of the state, and subject to be condemned as traitors.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

AUGUSTIN VIESCA, President.  
J. J. GRANDE, D. S.  
J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 19th April, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 279.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

Hereafter the only tax to be paid in the slaughtering business shall be nine grains a head, for male, and six, for female stock the, municipal taxes not being altered thereby, or others to which their products are liable, when by a change of form they acquire an increase in value.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. VIESCA, President.  
J. J. GRANDE, D. S.  
J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 21st of April, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor, of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the Congress of said State has decreed as follows:

## DECREE No. 280.

The Congress of the State of Coahuila and Texas has thought proper to decree:

After the lands are once exposed at public sale with all the formalities provided in the law of the 26th of March last, should there be no offer as high as the minimum price therein specified, they shall be open for any person to purchase them at said price, without the necessity of again opening the auction.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

AUGUSTIN VIESCA, President.

J. J. GRANDE, D. S.

J. M. de URANGA, D. S.

Wherefore I command it to be printed published, circulated, and duly fulfilled.

Given at the city of Monclova on the 23rd of April, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

## DECREE No. 281.

Taking into contemplation that nearly seven years have passed and some of the towns of the state have not yet completed the distribution of lands and waters provided in articles 137, 138, 139 and 140 of the politico-financial regulations, and noting that said infringements have proceeded from evil intention rather than ignorance on the part of some persons, who being interested that said distribution may not be accomplished, excite difficulties with regard to very clear points, but which have hitherto had the effect they desired, causing injustice and injury to those who have a right to become proprietors in said lands and waters, and to the towns where they exist for joint fruition, the congress of the state of Coahuila and Texas has thought proper to decree:

ART. 1. In towns formerly called ——— of natives ——— wherein the distribution of lands and waters, pertaining to the established farm-tracts thereof, should not have been consummated in the manner provided by decree No. 37, for the politico-financial administration, and in those which have not commenced the execution of the law in this respect, said law shall be strictly fulfilled under charge of the Ayuntamientos, on their most rigid responsibility, within one month from the publication of this decree.

ART. 2. The department chiefs, in fifteen days after receiving the complaints directed to them from said cause by persons claiming to be aggrieved, and wishing to use their exertions, shall decide the same administratively and without appeal; after fifteen days have expired from making the distribution, complaints that are made shall not be heard.

ART. 3. Springs, that in the opinion of said chiefs, are not susceptible of convenient and useful division and lands that are in the same condition shall be sold at public auction, and the proceeds thereof shall be appropriated to the expense occasioned by the distribution of the others.

ART. 4. The families mentioned in article 138 of the aforementioned regulations, No. 37, shall be considered with respect to the head thereof, or what is the same thing when the master of the family belongs to that class formerly called natives, said family shall thereby have a right in the distribution conformably to said article 138, the same in respect to Indian widows with or without children; Indians married or widowers, with or without children, and Indians even unmarried, provided, that they can become emancipated by law, and this shall be understood even should the parents of either be living, and as not affecting the right which said parents also possess.

ART. 5. To each family classed in the manner specified in the foregoing article an equal share of the distributable lands and waters shall be given, and on no other ground whatever shall they be allowed to claim a right to a greater quantity.

ART. 6. The term specified in article 140 of the aforementioned decree No. 37, shall be reduced to three years in towns wherein the distribution has not been made until the present time, reckoning said term from the date whereon they obtain the respective title; and in towns wherein the lands and waters herein mentioned have already been distributed, but the titles not yet given, six years shall be reckoned from the time said lands and waters were adjudicated.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 282.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The executive is hereby authorized to form coalitions with the other states on the basis prescribed by the general congress, laying his compacts before the legislature of the state for approval.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. VIESCA, President.  
J. J. GRANDE, D. S.  
J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 24th April, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

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DECREE No. 283.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. An Ayuntamiento and the respective primary judge or judges shall be established at the town of San Patricio in the department of Bexar.

ART. 2. Said new municipality shall have the following limits; commencing on the left bank of the river Nueces at the boundary of the ten literal leagues, and following said line eastward to within the distance of ten leagues of La Bahia del Espiritu Santo; thence in a straight line to strike the junction of the river Medina with that of San Antonio and following the right bank of the latter so far as the crossing of the old road leading from Rio Grande to Bexar, thence following said road as far as the river Nueces, and thence to the place of beginning.

ART. 3. The provision of the foregoing articles shall go into effect immediately on their publication, and the Alcalde of Goliad shall repair to preside at their respective elections.

ART. 4. Another municipality shall be established upon the river Colorado, to be called municipality of Mina, the capital of which shall be the new town established upon the left bank of said river at the crossing of the upper road leading between Bexar and Nacogdoches, and said town shall also be called Mina.

ART. 5. The jurisdiction of said Municipality shall be included in the following limits; commencing at the crossing of the old road leading from La Bahia to Nacogdoches at the branche of Palmito Creek as delineated upon Austin's map of Texas; thence in a straight line to the place where the eastern line of the colony granted to Austin in 1827, leaves the aforementioned road leading from Bexar to Nacogdoches; thence in a straight line to the head waters of the main branch of Bear Creek; thence in a direct course to the confluence of the rivers Llano and Colorado, ascending said Llano as far as the mouth of Chimal Creek; thence in a straight line to the head waters of la Vaca river, descending said river to the upper la Bahia road, and following said road to the place of beginning.

ART. 6. The Alcalde of the town of Austin, shall proceed to the town of Mina to preside at the electoral meetings of the new Ayuntamiento according to law.

ART. 7. The capital of the municipality of Brazoria shall be removed from the town of the same name, to that of Columbia, situated three or four leagues above, more or less.

ART. 8. Hereafter said municipality shall be denominated municipality of Columbia.

ART. 9. The provisions herein made shall go into effect from the time of their publication.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 284.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The following concluding words of article 9 of decree No. 32, of the 7th of April, 1827, *for the present women shall not be permitted to enter*, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated:

AUGUSTUS VIESCA, President.

J. J. GRANDE, D. S.

J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 28th of April, 1834.

F. V. VILLASENOR.

JOSE M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 285.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Should the resolution that shall be adopted on the subject brought forward by Sterling C. Robertson, be favorable to the person interested, the term of his contract shall be prolonged four years reckoned from the date of this law.

ART. 2. In the same manner also the premium corresponding to the number of families he introduced at his own expense, and which were rejected by the general law of the sixth of April 1830, shall be granted him, observing the provision of article 12th of the law of the 24th of March, 1825.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

AUGUSTUS VIESCA, President.

J. J. GRANDE, D. S.

J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 29th of April, 1834.

FRANCISCO V. y VILLASENOR.

JOSE MIGUEL FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 286.

The Congress of the State of Coahuila and Texas has thought proper to decree:

During the approaching recess of congress the executive may appoint provisionally, the superior circuit judge of Texas mentioned in the law relative to jurors, without adhering to the provision of article 17th of said law, in respect to making that appointment.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

AUGUSTUS VIESCA, President.

J. J. GRANDE, D. S.

J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 5th of May, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

DECREE No. 287.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The laws in respect to alienation of vacant lands are hereby dispensed with, to enable the executive, in the manner and on the terms he

shall consider advantageous to the state, to negotiate with the national executive, those of which he may stand in need.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

Given at the city of Monclova on the 2nd of May, 1834.

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DECREE No. 288.

Civic Militia Regulations.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 289.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

The favor mentioned in the six last articles of the law No. 128 of the 7th of April 1830, shall be understood only in respect to the price of lands acquired, until the publication of the decree of the 26th of March last.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

AUGUSTUS VIESCA, President.

J. J. GRANDE, D. S.

J. M. de URANGA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 3rd of May, 1834.

F. V. y VILLASENOR.

JOSE M. FALCON, Secretary.

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DECREE No. 290.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The four sitios of land appropriated to the establishment of the town Bajan shall be distributed in equal portions, in plenary rightful possession, among the settlers who have fulfilled the respective duties as such.

For its fulfilment, the Vice Governor of the State shall cause it to be printed, published, and circulated.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that, with the intention of preventing any subversion that might produce extensive evils by reason of the political

occurrences that threaten the republic, the permanent deputation, associated with the council, and those members of congress who are present at the capital, exercising the power conferred by article 90 of the constitution of the state, has thought proper to decree:

ART. 1. The state shall not permit the exalted name of religion to be wontonly invoked within its territory, and its present tranquillity disturbed by resorting to *pronunciamentos*, under that or any other pretence. The state shall not consent to the impunity of the crimes of those persons, hostile to federal institutions, who have sought to screen themselves within the mantle of religion, availing themselves of the ignorance and superstition in some of the towns to excite sedition for the purpose of attempting, by taking the public unawares, to re-establish the corrupt administration of those, who sacrificed the existence of the illustrious *Guerrero*, and filled the country with mourning.

ART. 2. With that view the executive shall dictate whatever measures he shall deem proper to obstruct the efforts of those who make such attempts, banishing them from the limits of the state, should it be necessary, during the continuance of the present revolution in the republic.

ART. 3. The executive shall prevent the entrance of all those persons, who in the present revolutionary crisis of the republic have been banished by any of the other states legally represented, and on his strict responsibility, shall cause all those, who have entered since the first of May last, immediately to depart.

ART. 4. The executive shall not permit troops of the standing army to be introduced into the state, under any pretence.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 24th of June, 1834.

F. V. y VILLASENOR.

J. ANTONIO PADILLA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas.*

The Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the permanent deputation, united with the executive council, agreeably to the provision of article 89 of the constitution of the state, in consequence of the present political occurrences in the republic, has thought proper to decree as follows:

ART. 1. The congress of the state is hereby convoked to hold extraordinary sessions to be opened on the 11th of August—the preparatory meeting to be holden on the 9th of said month.

ART. 2. During said sessions measures shall be dictated for the safety of the federation, for the permanent restoration of the public tranquillity at present interrupted by the collision of the supreme national authorities, and by *pronunciamentos*, invoking religion as a pretext, which is yet free from harm, and for the avoidance of any internal overthrow, which such events might occasion in the state.

ART. 3. The regulation of the public treasury shall also be discussed, and with that view all projects there are pending, relative to so important a department, shall be brought under deliberation.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 24th of June, 1834.

F. V. y VILLASENOR.

J. ANTONIO PADILLA, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the standing deputation, associated with the executive council and the members of congress now in the capital, perceiving that the present state of affairs in the republic requires measures at this juncture which may contribute, without causing embarrassment, to sustain the federal institutions, in exercise of the powers conferred in article 90 of the constitution of the state, has thought proper to decree as follows:

ART. 1. The executive is hereby authorized to levy and organize such number of the civic militia of the state, as he shall deem proper, for the defence of the federal institutions.

ART. 2. During the continuance of the present state of things he shall proceed with discretionary power in the enrollment, organization and force of the corps and companies, without subjecting himself to the steps and forms provided in the militia regulations of the 6th of May last.

ART. 3. The Executive is hereby authorized to make whatever disbursements he shall deem necessary for the object set forth in the two foregoing articles.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

MARCIAL BORREGO, President.

J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 26th June, 1834.

F. V. y VILLASENOR.

J. ANTONIO PADILLA, Secretary.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the permanent deputation, associated with the executive council and deputies present in the capital, persuaded that the critical state of affairs in the republic demands ready measures, to allay the present disturbances, and exercising the power conferred in article 90 of the constitution, has thought proper to decree as follows:

ART. 1. Of opinion that the will of the nation has been concurrently expressed by the unanimous vote of the towns of a majority of the states, and relinquishing its sentiments, believing them to be contrary to the public interest, the state of Coahuila and Texas hereby recognizes general Don Antonio Lopez de Santa Anna as president of the republic, yielding obedience, in pursuance thereof, to all his executive acts, that are in conformity to the constitution and general laws.

ART. 2. All pacificatory measures, that shall be dictated, and approved by a majority of the whole of the states, shall be immediately supported by the state of Coahuila and Texas.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

M. BORREGO, President.  
J. J. GRANDE, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 23d July, 1834.

F. V. y VILLASENOR.

J. ANTONIO PADILLA, Secretary.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of the said state has decreed as follows:

DECREE No. 291.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Jose M. Cantu, Governor of the State *ad interim*, shall present himself on the morning of the 12th instant, at 12 o'clock, to take the oath prescribed by the constitution.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

JOSE ANTONIO TIJERINA, President.  
ANDRES de la VIESCA y MONTES, D. S.  
DIEGO GRANT, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 12th March, 1835.

JOSE MARIA CANTU.

J. B. C. y ESTRADA, Deputy Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 292.

The Congress of the State of Coahuila and Texas, having taken under deliberation the resignation of office tendered by his excellency the Governor, D. Juan J. Elguezabal, in the exposition directed in his official communication on the 1st instant, and in attention to the impracticability of accomplishing, within the time prescribed by the constitution, the general examination and regulation of votes given by the towns for said office at the last elections, as the returns have not yet been received from the departments of Bexar and Nacogdoches, has thought proper to decree:

ART. 1. The resignation of office, tendered by his excellency, Don. Juan J. Elguezabal is hereby accepted.

ART. 2. Jose M. Cantu is hereby provisionally invested with the executive power of the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. A. TIJERINA, President.  
A. de la V. y MONTES, D. S.  
D. GRANT, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 12th of March, 1835.

JOSE M. CANTU.

J. B. C. y ESTRADA, Deputy Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 293.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive, for attending to the present public exigen-

cies of the state, may dispose of the vacant lands thereof to the amount of four hundred sitios.

ART. 2. He shall regulate the colonization of said lands on the basis and conditions he shall judge proper, without subjection to the provision of the law of the 26th of March of the year last past.

ART. 3. The executive shall dictate the necessary measures for the collection of all sums due the state, from whatever source they are to come.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. A. TIJERINA, President.

A. de la V. y MONTES, D. S.

D. GRANT, D. S.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Given in the city of Monclova on the 14th March, 1835.

J. M. CANTU.

J. B. C. y ESTRADA, D. Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 294.

The Congress of the state of Coahuila and Texas having determined the elections of governor, vice governor, and councillors, made by the electoral district assemblies of the districts of Leona Vicario, Parras, Monclova, Rio Grande, Bexar, Brassos and Nacogdoches, on the 9th of February last, decrees as follows:

ART. 1. Augustin Viesca, having received the majority of all the votes at the electoral district juntas, determined by congress according to law, is hereby declared Governor of the state.

ART. 2. Ramon Muzquiz is hereby declared Vice Governor of the State.

ART. 3. In the same manner, Marcial Borrego, Jose M. de Uranga, and Miguel Falcon are hereby declared councillors, proper.

ART. 4. Bartolome de Cardenas and Eugenio Navarro are likewise substitute councillors.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. A. TIJERINA, President.

A. de la V. y MONTES, D. S.

D. GRANT, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 20th of March, 1835.

J. M. CANTU.

J. B. C. y ESTRADA, D. Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 295.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The power conceded to the executive for disposing of four hundred sitios of the vacant lands of the state, by the law of the 14th instant, shall be understood as subject to the general laws of the union.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. A. TIJERINA, President.

A. de la V. y MONTES, D. S.

D. GRANT, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 30th of March, 1835.

M. BORREGO.

J. M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.*

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the Congress of said State has decreed as follows:

DECREE No. 296.

The Congress of the State of Coahuila and Texas has thought proper to decree:

Certificate of citizenship is hereby granted to Daniel J. Toler.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARBASAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 4th of April, 1835.

M. BORREGO.

JOSE M. FALCON, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 297.

Whereas, 1st., According to official information this day received by the ordinary post, the department of Leona Vicario, consequent to the protest made by its deputies on withdrawing from this legislature, has disavowed the acts thereof, and also those of the executive of the state. 2nd.—Don Martin Perfecto de Cos, general commandant of these states, in his official communication to the executive, takes the like course, thus favoring the anarchick views of those who have revolted. 3rd.—It is known by communications received by express from some places on the frontier that the said military chief is marching troops composed of regulars upon this capital: The Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. The executive is hereby authorized to take of himself whatever measures he may think proper for securing the public tranquillity in the state, and sustaining the authorities thereof, in the free exercise of their functions.

ART. 2. In pursuance thereof he may collect such number and force of the civic militia of the state as he deems necessary, organizing the same according to the powers granted him by the decree of the permanent deputation of the 26th of June last.

ART. 3. He shall not permit any military force pertaining to the standing army to exist in this capital unless by express order of the national executive.

ART. 4. The executive is hereby competently authorized to contract loans upon the state rents for the purpose of discharging the expense incurred in the execution of this decree.

For its fulfilment. the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARBAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 7th of April, 1835.

M. BORREGO.

JOSE M. FALCON, Secretary.

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## EXPOSITION,

*Submitted by the congress of the state of Coahuila and Texas, to both houses of the general congress, requesting that the term in the law of amnesty under discussion may not be limited, and that it may include persons not born in the republic, who have acquired the rights of citizenship.*

TO THE HON. CONGRESS OF THE REPUBLIC.

The legislature of this state, by the newspapers published in this capital, has been apprized of the project of an act of oblivion in respect to political offences, whereby the general congress desires to terminate the internal dissensions, that have caused so many evils to the country, and that have arisen solely from factions or parties, which have for a long time disputed the ascendancy, and direction of the respective affairs with the public administration.

Always with artful designs, disregarding, instead of following the distastes of reason, they have set themselves above the power of the laws and authorities, committing their pretensions to the successful issue of arms, which, while it never gives a legal right, leaves open room for subsequent complaint against the party that attained the like illegality; besides, exciting discord, ill-will, and a disposition to persecution and revenge among members of the same family, and citizens living under the same government, for such are the sad results of civil war. It is now time to apply the proper means to repair these manifold calamities, to consign the past deviations to oblivion; it is time, in short, to meditate upon measures of reconciliation to perpetuate union, peace and tranquillity, without which blessings, the country cannot advance to the attainment of that prosperity, and greatness, to which she is eminently destined.

In fact, the project of a law of amnesty, that now occupies the attention of your honorable body, will accomplish so laudable an object should good faith be hereafter preserved. But the congress of Coahuila and Texas, animated by the same feelings as the national representatives, desires it may be granted in more extensive terms, without specifying any epoch, or excluding persons not born in the country, as article 7th of the project provides. This body being the legitimate organ of a very considerable portion of that class of persons, would be wanting in its duty, and in the immutable principles of justice, did it not claim the equality, to which it considers them entitled, manifesting to your honorable body that in this state there are thousands of persons originally foreigners, but who, being legally established therein, have acquired property and rights, guaranteed by the constitution and laws, the same as to the natives of the country: so that, being as much interested as the latter in the

stability and consolidation of the government, they may have participated in our political disturbances, and equity and justice require that they should be treated with the same equality. Therefore this legislature formally introduces the following propositions, which it requests your honorable body will condescend to approve.

I. The amnesty or pardon, granted for political offences, shall extend to all periods, at which they have been committed.

II. Said grace shall include those persons not born in the republic, who, after having legally acquired the civil rights therein, have participated in the said crimes.

Hall of sessions of congress of the state of Coahuila and Texas, at Monclova, on the 8th of April, 1835.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARBAJAL, D. S.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, *ad interim*, in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of the said State has decreed as follows:

DECREE No. 298.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The privilege of exemption from duties, granted by article 1 of the law No. 176 of the 28th of April 1831, to raw cotton, is hereby prolonged six years.

ART. 2. Said privilege shall include the cotton grown in any part of the state, but shall be understood as subject to the restrictions provided in article 3 of the aforementioned law No. 176.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARBAJAL, D. S.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Given in the city of Monclova on the 13th of April, 1835.

M. BORREGO.

JOSE M. FALCON, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, *ad interim* in exercise of the executive power, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 299.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive cannot dispose of the four hundred sitios of land, mentioned in article 2nd of the law of the 19th of April 1834, except solely for the object which said law determines.

ART. 2. Agreeably to the aforementioned law, the executive has been, and is, authorized to contract the aforementioned lands, or to distribute them, as he shall think most proper, among the militia-men, who prosecute the war against the savages.

ART. 3. Not only the militia of the departments where hostilities are committed shall be destined to the chastisement of the savages, but also that of the other departments of the state in the event it should be necessary in the opinion of the executive; and they shall be paid in the same manner as the former.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. J. CARBAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 14th of April, 1835.

M. BORREGO.

J. M. FALCON, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The constitutional Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 300.

ART. 1. Chief agencies of joint rents shall be established in the departments of Rio Grande, Brazos and Nacogdoches, independent of those of Monclova and Bexar, to which they have been subject, to be subject hereafter to the executive alone.

ART. 2. The limits thereof shall be those that comprise each department, and those of the receivers offices the same that embrace the civil jurisdiction of each of their municipalities; the agency to be situated in the respective capital.

ART. 3. The executive shall proceed to the appointment of said officers agreeably to the provision made by the existing laws on the subject, and assign to each of them the amount of security they are to give for their management, taking into view the products of their collection, and in proportion to the security given by the other officers of their class.

ART. 4. For the present said officers shall receive as an emolument twenty per cent. on the entire product of the rents they collect, allowing eight per cent. to receivers on what the latter respectively collect.

ART. 5. Said receivers shall bind themselves responsible for their management to the satisfaction of the collectors, who shall be responsible to the executive.

ART. 6. On the sums they receive for vacant lands, they shall have the six per cent., assigned in article 28 of the law of the 26th of March, 1834.

For its fulfilment, the Governor of the State shall cause it to be printed, published and circulated.

J. M. MIER, President.

A. de la V. y MONTES, D. S. S.

J. M. J. CARVAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 22d of April, 1835.

AUGUSTIN VIESCA.

J. M. YRALA, Secretary.

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## EXPOSITION,

*Submitted by the Congress of the State of Coahuila and Texas to the Congress of the Republic, requesting that the Federal Constitution may not be reformed, except in the manner therein provided.*

TO THE HON. CONGRESS OF THE REPUBLIC.

The course of all our former revolutions, and the sad experience they have left, have not sufficed to restrain the pretensions of the two parties, which, with deceptive purpose, have long contended for a decided victory. Plans are formed, *pronunciamentos*, accompanied by appeal to arms, constantly occur, and in all these eruptions the principles of the constitution, and the rights of the people, are proclaimed. But it appears that they are invoked, only to be destroyed. Action, unfortunately, has never corresponded to declaration; and from the like alternative, distrust, discord, and a disposition to persecution and revenge constitute our settled course of action. Before one *pronunciamento* is entirely organized, signs of another appear.

One year has not yet passed since the *grito* of Cuernavaca, rousing the religious fears of some, and the private interest of others, who were dissatisfied with the Convention of Zavaleta, became general throughout the republic. By that *grito* the lawful authority of the general congress was disavowed, and most of the state legislatures dissolved, un-

der the pretext of having issued laws on religious and other reforms, considered contrary to the federal and state constitutions. If this alone caused a general and simultaneous movement throughout the republic, what may be expected from the violent reforms, that now occupy the attention of your honorable body?

The manner they are attempted has justly attracted the attention of this legislature. The subject is of great importance, besides, this body, representing the people, proud of having always sustained the immutability of the fundamental principles of the constitution, would be wanting in its most sacred duty, were it to refrain from manifesting to your honorable body its ardent desires for their preservation, and its determination firmly to sustain them. If at all times, and in all places, reforms have been dangerous for Coahuila and Texas they would be more so now than ever. Bordering on a powerful and flourishing republic, and a considerable portion of its territory already settled with thousands of inhabitants, whom the spirit of change does not suit, and who cannot conform to such inconstancy in the most essential acts of the public administration, the contemplated reforms would highly compromit, not only the internal order and tranquillity, but also the very integrity of the national territory. For effecting these reforms, ideas and opinions have been advanced in your honorable body, as unreasonable as if the present general congress considered itself possessed of unlimited power to alter the constitution. It is not conceived how a national representation, owing its origin to an existing fundamental pact, can have power to re-reform or change it as it may think proper. Upon what principle of constitutional right can it be founded? What former acts for its organization could have conferred upon it so extraordinary a prerogative? The electoral acts, from which source its authority was received,—were *they* not performed according to the same constitution? Then, the present national congress neither does or should possess more powers than those intrusted in articles 47, 48, 49 and 50 of the federal constitution, as the people, in constituting the same, have exercised no other acts or forms than those prescribed by the same constitution, and in the manner therein provided. Therefore, the State of Coahuila and Texas, lawfully represented by its legislature, protests in the most solemn manner, that having joined in the confederacy by virtue of the fundamental pact, and on the basis therein established, it neither does, or ever will, recognize the acts and measures emanating from the general congress, should they not conform to the plain meaning of the aforementioned articles. It will admit no other amendments of the constitution than those effected conformably to the steps and requisites provided in the same; on the contrary, it will regard any measure, transcending these legal provisions, as a violation of its sovereignty. A fatality, ever to be regreted, has inclined us to endeavor to repair one evil by means of another. When a revolution is breaking out in the south of the state of Mexico, the momentous and exciting question of reform is introduced and discussed with warmth in the general congress; some laws are repealed

and others enacted, whereby such preponderance is given to the privileged classes that they will not cease to reiterate their disorderly efforts to continue their abuses. The civic militia is diminished throughout the republic, or, more properly speaking, the only defence of liberty, and of the rights of the commonwealth, is destroyed. The national executive, whose attention should be given to the revolution in the south, prepares a military expedition against the friendly state of Zacatecas, which has so often contributed to the national renown by curbing despotism and the abuse of power. The general commandant of the interior states, intervenes in the most turbulent manner in the internal administration of the state of Coahuila and Texas, to the extremity of dictating orders prohibiting the execution of some of the laws issued by this legislature, and commands the garrisons to move from their stations upon the frontier where they are so much needed against the savages, and to approach this capital, evidently with the intention of overawing the civil authorities, and accomplishing his capricious designs. The national executive, to whom application has been made to restrain these encroachments of the military authority, maintains a profound silence in so delicate a matter. Every thing indicates the danger with which we are threatened, and should we not proceed with great circumspection and wisdom, we shall be again involved in a civil war, and its consequent evils still more disastrous than the past. That we are on the verge of that condition, cannot escape the wisdom and penetration of your honorable body, which, it is hoped, will not fail to adopt efficient and seasonable measures, and which, with that view, this legislature has the honor to address.

Hall of sessions of the congress of the state of Coahuila and Texas at Monclova on the 22nd of April, 1835.

J. M. MIER, President.

A. de la V. y MONTES, D. S. S.

J. M. CARBAJAL, D. S.

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#### INTRODUCTORY PROPOSITION,

*Directed to the General Congress by the legislature of the State of Coahuila and Texas, on the subject of repealing the law diminishing the national local militia, in support of a similar proposition, directed by the Congress of Zacatecas.*

TO THE HON. CONGRESS OF THE REPUBLIC.

The decree diminishing the civic militia, has called the attention of this legislature, and determined it to propose its repeal. This body would fail in its duty, were it to be indifferent to the serious evils that the fulfillment of that decree would cause to the entire nation and to the state it represents.

Coahuila and Texas suffers a cruel and desolating Indian war. The garisons destined to pursue and chastise the savages, besides being incapable of acting, from absolute neglect, are seperated from the purpose for which they were established at the pleasure and caprice of the general commandants, who withdraw them from the frontier when they choose, as is actually the case in this state, in which the commandant Don Martin Perfecto de Cos has considered it more proper and beneficial to coerce the supreme authorities, and favor the disturbances of one town, than to pursue the savages, although they are destroying the lives and property of the citizens.

In so perplexed and difficult a state of affairs, can the congress of Coahuila and Texas be desired not to remonstrate on seeing the civic militia disappear, its sole support and defence—the only force that can apply itself to the preservation of order, and support of the laws? What would be its condition in such an event? The most deplorable and abject that could occur.

The cause of the revolutions we have suffered is in vain imputed to the militia. Recourse has been had to this as a pretext for impugning the militia, but it is impossible not to know and discern that they have all been occasioned by the standing army. We should remember that in Guanaxuato the institutions were saved by the civic militia.

The congress of the state of Zacatecas, in the exposition it directed to your honorable body, on the 7th instant, completely refutes all the artifice that has been resorted to against the national local militia, clearly manifesting the propriety of its conduct, the necessity of its existence, and that it has not caused the evils which the enemies of liberty have been willing to suppose.

The state of Coahuila and Texas being of the same opinion, and in the situation above represented, supports the aforementioned exposition in all its parts, and requests that your honorable body will revoke the decree diminishing the civic militia in the states.

The well known wisdom of the national representatives induces the belief that the remonstrances of this legislature will be dispassionately heard, and that, in consideration of the public good, the revocation it requests will be enacted.

Hall of sessions of the congress of the state of Coahuila and Texas, at Monclova on the 22nd of April, 1835.

J. M. MIER, President.

A. de la V. y MONTES, D. S. S.

J. M. J. CARVAJAL, D. S.

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*Executive Department of the State of  
Coahuila and Texas.* }

The constitutional Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 301.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Two years longer term for building thereon is hereby granted to those, who may have purchased grounds according to article 6th of the law of the 27th of April 1833, under the penalties determined in said article, should they not comply.

ART. 2. That term of four years resulting from the said extension shall be reckoned from the date, whereon the executive shall have approved the contracts.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

A. de la V. y MONTES, D. S. S.

J. M. J. CARVAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 24th April, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 302.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The proposition of Benjamin R. Milam, to clear out the river Colorado of Texas, and render it navigable as far as the town of Mina, in the term of three years, leaving it entirely clear of the accumulated drift timber, and other obstacles that now obstruct its navigation, is hereby accepted.

ART. 2. In pursuance thereof, exclusive right is hereby granted to the said Milam, for the term of ten years, for navigating the said river with boats or vessels propelled by steam; and for those propelled by oars, sails, or of any other kind, the navigation shall be free.

ART. 3. Should the undertaker not commence the work within one, and should it not be completed in three years, he shall forfeit the privilege granted him in the preceding article.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. J. CARVAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 25th of April, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 303.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The ordinary sessions of the congress of the state, are hereby prorogued one month, in conformity to the 87th article of the constitution.

For its fulfilment, the Constitutional Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARVAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 27th April, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 304.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive acts performed in the department of Saltillo, so lang as the said department refused obedience to the executive of the state, by Don Miguel Ramos and Don Jose M. Goribar, whatever may have been their official investiture, are hereby declared to be, and to have been, of no force.

ART. 2. In pursuance thereof, they shall all be subject to be reviewed by the executive, without whose express authorization, none shall be valid.

ART. 3. All the provisions that have had for their object the disposal of the public revenue of the state, are hereby excepted, in regard to which, congress reserves to itself to take the proper measures when the necessary data are transmitted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. J. CARBAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 27th of April, 1835.

AUGUSTIN VIESCA.

J. M. YRALA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The constitutional Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 305.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive is hereby authorized to exact a forced loan, to the amount of twenty thousand dollars, of the capitalists of the state, to relieve the present exigencies of the said state.

ART. 2. The executive shall secure with the public revenue the amounts collected by this law, mortgaging such branch as the person making the loan shall designate.

ART. 3. Said sums shall be returned in January, 1836, or before if possible, with one per cent. interest per month.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. J. CARVAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 28th of April, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The constitutional Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 306.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The resolution of the executive, of the 18th of December 1834, explaining his letter of convocation of the 16th of said month, and its concordants of the 14th of January and 9th of February last, is hereby declared contrary to the constitution of the state.

ART. 2. In pursuance thereof, its execution could have no legal effect.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARBAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 29th of April, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of the said state has decreed as follows:

DECREE No. 307.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. The law of the 4th of March, 1834, in the part wherein provision was made for uniting the Ayuntamiento of Villa Longin with that of Leona Vicario, is hereby dispensed with.

ART. 2. In pursuance thereof, the one, which was acting at the time of issuing the aforementioned law, shall be re-established, to take charge of the administration of the municipality, until it is renewed according to law.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. J. CARVAJAL.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

Given in the city of Monclova on the 29th April, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

Executive Department of the State of }  
 Coahuila and Texas. }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 308.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. It is hereby granted that a bank be established in the department of Brazos, to be called "*Commercial and Agricultural Bank.*" Samuel M. Williams, as empresario, shall take the proper measures for the establishment thereof.

ART. 2. The capital of said bank shall not exceed the sum of one million of dollars, to be divided into ten thousand shares, of one hundred dollars each.

ART. 3. Subscribers having joined for three thousand shares at least, the empresario shall call a meeting of the same, and proceed to elect eight directors, who shall choose a president among themselves, and they shall perform the duties of their office one year.

ART. 4. To obtain the office of director, it shall be required to be a citizen of the state, and an owner of five shares at least.

ART. 5. The votes shall be given at the rate of one for each share; but no subscriber shall have more than fifty votes, whatever be the number of shares he may own. Absent persons may vote by proxy.

ART. 6. The board of directors shall be annually renewed, and the letter of convocation shall be issued by said board forty-five days before the expiration of their term, and the election shall be holden eight days before the close of the corresponding year.

ART. 7. The board of directors shall form internal regulations for the financial management of all the business of the association.

ART. 8. The notes that are issued shall be signed by the president and cashier in the name of the association, and the bank capital shall be responsible for the payment of the value thereof. Said bank may sue and be sued.

ART. 9. To give activity to commerce, arts and industry, the bank may make loans, receiving as high as at the rate of eight per cent. per annum for a period not exceeding six months, and ten per cent. when it exceeds that term, exacting the necessary security of the persons interested.

ART. 10. The subscribers shall adequately secure the value of their shares with real estate in the republic, and as soon as one hundred thousand dollars at least have entered the vault of the bank, it may commence operations; a commissioner, to be appointed by the executive previously intervening, who shall furthermore examine every year the state of the concerns of the association.

ART. 11. The bank shall continue for the term of twenty years, and may establish branches thereof, at any place in the state.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARBAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 30th April, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 309.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. All persons or families now residing in Texas, and who shall have emigrated previous to the date of this law for the purpose of settling in the country, and who have not received lands according to the colonization laws, are hereby declared to be entitled to the portions designated by the law of the 24th of March, 1825, provided, that they possess the qualifications therein prescribed.

ART. 2. Those favored in the preceding article, who emigrated previous to the 28th of April, 1832, shall pay as an acknowledgement at the time of receiving their titles, the amount specified in article 22nd of the law of the 24th of March, 1825, and those who came since, at the rate of sixty dollars a sitio for grazing, and five dollars a labor for temporal land.

ART. 3. The executive shall appoint a commissioner for each of the three departments of Texas, to issue the titles, corresponding to the persons mentioned in this law, agreeably to the commissioner's instructions of the 4th of September 1827, without being subject to the additional article. Said commissioners shall be paid by the persons interested agreeably to the provision made by decree of the 15th of May 1828.

ART. 4. The executive shall take the proper measures in order that this law may be carried into effect as soon as possible.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

J. M. MIER, President.

D. GRANT, D. S.

J. M. CARVAJAL, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 2nd of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 310.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive acts performed by Don Juan J. Elguezabal, during the time of his administration, are hereby legalized, so far as they are not opposed to the constitution and laws.

ART. 2. The executive shall propose to congress those, which, in his opinion, should possess that nullity, for adopting the proper resolution thereon, and shall ratify as legal those that require such provision.

ART. 3. All those, which, having for their object the decreeing of expenses, or disposal of the public revenue, are hereby accepted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 6th May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 311.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The cigar manufactory, established at Leona Vicario, shall be removed to the town of Parras.

ART. 2. The executive shall provide that this law be carried into effect as early as possible.

ART. 3. Those officers who are not present at Parras on the day the executive shall appoint, to enter on the discharge of their duties, shall be understood to have resigned.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.  
J. M. J. CARVAJAL, D. S.  
J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated, and duly fulfilled.

In exercise of the power conferred in the foregoing articles, I hereby decree:

ART. 1. Those officers of the cigar manufactory, who wish to continue in office, shall be present at Parras on the 31st instant.

ART. 2. To provide against the difficulties arising from the present condition of Leona Vicario, copies of this decree shall be forwarded to the superintendent of the manufactory by three different conveyances.

ART. 3. The aforementioned superintendant, under his responsibility, shall cause the stock and funds on hand, and chattels pertaining to the manufactory under his charge, to be removed agreeably to article 1, and presented, accompanied by an exact inventory which he shall have formed of the whole, to the political chief of the department of Parras.

Given at the city of Monclova on the 7th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 312.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The executive is hereby authorized to issue letters of citizens to all foreigners who shall have legally acquired the rights of citizens agreeably to the federal and state constitutions, and the colonization laws.

ART. 2. Hereafter persons not born in the limits of the republic cannot hold any office in the state, or be admitted to the popular meetings of the same, or any other act wherein it is required by law to be a citizen in the exercise of his rights, should they not possess the document mentioned in article 1. Those compried in the 4th clause of article 18th of the constitution are hereby excepted from said provision.

ART. 3. Those who consider themselves in the latter case mentioned in the preceding article, shall prove to the proper authorities that they were legally domiciliated in the State, at the time the constitution was published, without this requisite or the certificate of citizenship they shall neither be admitted at the electoral acts, or be eligible to public office in the state.

ART. 4. In the departments of Bexar, Brazos and Nacogdoches, the executive shall regulate the issuing of said certificates as he shall think most proper, as well that the persons interested may receive them without difficulty, as that fraud may not be committed to the detriment of the public treasury.

ART. 5. Every four months the executive shall notify congress, and during the recess thereof, the standing deputation, of the number of certificates he should have issued, and of the persons, in whose favour they were made out, stating the place of their origin.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 8th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 313.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive is hereby authorized to designate, in attention to the repose and safety of the state, such of the vacant lands thereof as he shall think most appropriate for situating the tribes of friendly and civilized Indians, who have emigrated to Texas.

ART. 2. He shall establish with the said tribes a line of defence upon the frontier, to protect the state from the irruptions and hostilities of the savages.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the of 12th May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

TO THE HON. CONGRESS OF THE REPUBLIC.

This legislature has received the decree of the 25th of April last, repealing that issued by this legislature on the 14th of March preceding, authorizing the executive of the state to dispose of land, to the amount of four hundred sitios, to relieve the exigencies of the state with its proceeds, with power to regulate the colonization of said lands on the basis and conditions he might judge proper, without being subject to the provision of the law of the 26th of March, 1834.

The legislature of this state could not but regard with extreme regret the impossibility that offers for fulfilling the decree of the general congress, repealing that of this legislature of the 14th of March last, for reasons which it proceeds to explain.

It becomes necessary to show that the decree of the 14th of March, in its 1st and 2nd articles, is not opposed to the general colonization law of the 18th of August 1824, because for that contravention to exist, it were necessary that it should expressly so appear in the aforementioned decree. Article 1st says—*the executive may dispose of the vacant lands of the state, to the amount of four hundred sitios.* There is not an article in the whole law of the 18th of August 1824, that can bear analogy to article 1 of the decree in question, unless it be the 12th, who prohibits more than 11 sitios to be united in the hands of a single owner; hence it is obvious that eleven do not resemble four hundred, inasmuch as this apparent difficulty is explained by the provision of article 2nd, which says—*he shall regulate the colonization of said lands on the basis and conditions he may think proper, without being subject to the provision of the law of the 26th of March of the year last past.* which does not mean that he may alienate the four hundred sitios to a single owner, but, that in regulating the colonization of said lands, he shall not be subject to the formalities provided in the law of the state of the 26th of March 1834,—a law which congress could vary, modify, or alter. But it is unreasonable to infer from the contents of this article that congress also intended that the executive should not be subject to the general law of the 18th of August 1824, in regulating the colonization of said lands. The most conclusive evidence this legislature can give that it was far from thinking to attack the general law of the 18th of August, is the decree which it issued on the 30th of the same month of March, declaring that the power granted the executive for disposing of the four hundred sitios of land should be understood as subject to the *general laws of the union*, of

which two copies, authenticated in the secretaries office, are accompanied herewith, since it may have happened that the general congress was not apprized of said decree during the discussion of that of the 25th of April.

Thus much in regard to the 1st clause of article 1st of the aforementioned decree; so far as respects the second, this legislature is compelled to say, that, by declaring null the transactions performed by virtue of the decree of the 14th of March, the public faith stands violated in the contracts, since, resulting that in the first and 2nd articles thereof, it is not in opposition to the general law of the 18th of August, the contracts ratified between the executive of the state, and the parties with whom they have been concluded, must also be valid and perfect.

This legislature has read and deliberately weighed the literal text of article 7th of the general law of the 25th of April last, and does not find, either in the letter or the spirit of the former, the reasons of the latter for prohibiting the border and literal states from alienating their vacant lands for colonizing thereon, until the regulations to be observed in doing it shall be established.

Article 4 is still more impracticable for our case,—for the plain reason that the executive of the state has already ratified contracts with private individuals for colonizing these four hundred sitios of land, and received sums of money on account, which are applied to no other than the most urgent expenses of the state; and now, to declare null contracts made in good faith and on just ground, is to destroy the public faith, not only of the state, but of the whole nation. It is furthermore an *ex post facto* law, contrary to the constitutive act and federal constitution.

Finally, who does not perceive in this document of the 14th March, that its substance and object is no other than a financial measure, appertaining exclusive to the congress of the state, and whose tenor, under no aspect, is embraced in the prerogatives of the general congress as described in article 50 of the federal constitution?

The present circumstances attending the prompt and exact fulfilment of the decree of the general congress of the 25th of April, repealing that of the 14th of March preceding, issued by this legislature, are of such a nature, the public faith of the state is pledged in such a manner, that it is not possible to retract an action that is already performed, because a right conceded to the general government to that extent, in a contract already ratified, produces a retroactive effect, and this, as has already been seen, cannot be done without attacking the federal constitution, which prohibits retroactive laws.

It is furthermore necessary to call the attention of your honorable body to a point of view, the most important in the subject. On the first of March last, when this legislature was installed, there was not even a dollar in the coffers of the state to meet the principal and most indispensable expenses, owing to the large disbursements, the past administration had to make on account of the turbulent revolt produced by one town of the state against its supreme authorities, and legislative and executive acts during the preceding two years term—disbursements which it is

still necessary to make on account of the anarchy that prevails by reason of the open protection afforded by the general commandancy. Besides, could a state long exist, whose officers are not paid their salaries, or at least a part of their dues, should they not be paid with due punctuality? Could it be reasonably expected that the general government would purchase these lands at a time when its resources were exhausted, and when all that it could offer to them would have been on account of the contingent expense corresponding to the state, of which the liquidation is pending.

The alienation of these lands has been on extraordinary measure of finance, the object of which was to give vitality to the state when all the avenues of the ordinary branches that form its public treasury were obstructed. To destroy this measure at a single blow by provisions, impracticable, compromising, and so extensive in their effect, is the same as to annihilate the political existence of the state; to attack the sovereignty stipulated in the federal compact in respect to the internal administration of everything pertaining to it throughout the whole extent of its territory. It is destroying the federal compact.

For all these considerations, and others that arise on examining the subject in all its bearings, this legislature, exercising the prerogative conferred by the constitution, offers to the deliberation of the general congress the following,

#### INTRODUCTORY PROPOSITION.

The decree of the 25th of April last, annulling that of the legislature of Coahuila and Texas, of the 14th of March preceding, is hereby repealed.

Hall of sessions of the congress of the state of Coahuila and Texas at Monclova on the 13th of May, 1835.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

#### DECREE No. 314.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. In the colonization contracts that are now pending, and required to be fulfilled in conformity to the law of the 24th of March, 1825, the additional article to the commissioner's instructions of the 4th of September, 1827, so far as it requires the consent and approbation of the empresarios, shall not be in force.

ART. 2. Empresarios have no right to exact any kind of compensation of families or persons who have not emigrated to the country at their expense, even should they have acquired lands within the limits of their *empresas*.

ART. 3. No change shall be made in any of the possessions that should have been given with the consent of the empresarios, or without it, provided, that the express concession of the executive, and the other formalities the laws provide, shall have preceded.

ART. 4. Should the foregoing article result to the prejudice of the empresarios in the occupation of lands already distributed, they shall be allowed the sole recourse of being compensated by the executive with other vacant lands, sufficient for placing the families for which they contracted.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 16th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 315.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. It is hereby granted that an annual fair be holden at the city of Monclova, to commence on the 15th and close on the 30th of October.

ART. 2. National effects sold during the time of the fair shall be free from excise duties for the term of four years.

ART. 3. The same privilege mentioned in the foregoing articles is hereby granted to the town of San Buena-ventura, commencing from the 15th of November, and closing at the end of said month.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 16th May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 316.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The second colony contracted by the empresario, Martin de Leon, now deceased, which, by virtue of article 3 of the decree of the 18th of March, 1834, was embraced within the department of Brassos, shall be annexed to that of Bexar.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 17th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 317.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The resolution spoken of in the decree of the 6th of April, 1834, on the subject proposed by Sterling Robertson, foreigner, should have been understood as properly belonging, as it does, to the judicial power.

ART. 2. In pursuance thereof, any resolution that shall be dictated by any other authority, shall be null.

ART. 3. The executive shall provide that the colony be returned to Austin and Williams, respecting, notwithstanding what is expressed in

the foregoing articles, the rights legally acquired by the families introduced by Robertson previous to the expiration of the term of his contract, and those of the families that shall have thus acquired them by virtue of the prolongation of 1834.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 18th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 318.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. The executive shall appoint another commissioner for the distribution of lands in the department of Nacogdoches, besides the one he is to appoint in conformity to the decree of the 2d instant, in order to facilitate the more ready despatch of the titles that are to be issued in favor of the loose families of that department.

ART. 2. Said commissioner shall conform to the instructions of the 4th of September, 1827, in the same manner as those mentioned in the aforesaid decree.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la N. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 18th May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 319.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. License is hereby granted to Jose M. Carvajal for printing in the Castilian and English languages the collection of all the laws, decrees and orders, dictated by the legislature of the state from the installation of the constituent congress, to the last term of the fourth constitutional assembly, and also those which the present congress shall dictate.

ART. 2. Six years are likewise hereby granted him for selling them, and during said term no other person shall be allowed that privilege.

ART. 3. The empresario shall deliver two hundred copies for the use of the officers, and the authorities of the state.

ART. 4. The price at which they are to be sold to the public shall be fixed at twenty rials a volume, of two hundred pages, in common board binding.

ART. 5. The work shall be completed in one year from the grant of the license.

ART. 6. The person interested, on his responsibility, shall take care that the edition be exact, and shall sell no copy to the public until it shall have been revised by a committee of congress.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. A. TLJERINA, D. S.

D. GRANT, D. S. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 18th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of* }  
*Coahuila and Texas.* }

The constitutional Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that he congress of said state has decreed as follows:

## DECREE No. 320.

The Congress of the State of Coahuila and Texas, has thought proper to decree:

ART. 1. Ten sitios of grazing land, upon the opposite side of Rio Bravo, of which the crossing called Pacuache, on the road leading to Bexar, shall be the centre, are hereby granted to the inhabitants of the town of Guerrero as joint property.

ART. 2. The executive shall take the proper measures in order that the town, to which the concession is made, may receive possession of the said lands.

ART. 3. Articles 1, 2, 3, and 5th of the decree of the 8th of March 1834, are hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 18th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

Executive Department of the State of }  
Coahuila and Texas. }

The constitutional Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 321.

The congress of the state of Coahuila and Texas, having considered the different questions proposed by reason of doubt that has arisen, for the better observance of decree number 8 of the 31st of August 1827, has thought proper to decree the following explanatory and additional articles.

ART. 1. The following shall be considered stray animals. 1st.—Those having unknown marks and brands. 2nd.—Those that shall appear only with brands that are counterbranded. 3rd.—Those taken from thieves, not having brands that are known. 4th.—Those of the same description taken from hostile Indians.

ART. 2. Strays thus presented to the Alcaldes or Ayuntamientos shall immediately be valued by competent judges, and deposited with responsible persons, or those by whom they were taken, on giving the necessary security.

ART. 3. The persons with whom they are deposited shall be responsible for their demerit or straying away, unless they prove themselves inculpable.

ART. 4. The term for retaining stray animals in deposite, agreeably to article 11 of the law No. 8, shall be reduced to three months, after which the sale shall be proceeded to as therein provided. Large and small stock, horsekind and mules, running wild, immediately on their presentation, shall be valued and offered for sale.

ART. 5. Those resulting to the owners of animals mentioned in the last part of the preceding article shall be allowed two months from the sale to have them returned, should they be still to be had, in which case, besides paying the purchasers what they gave for them, they shall pay them for the trouble of breaking them, agreeably to the decision of competent judges.

ART. 6. Animals having brands not known, and those that shall be taken from the savages in warfare by the inhabitants or persons belonging to the civic militia, shall be valued as above mentioned and distributed among those who concurred in the act of taking them.

ART. 7. Should the beasts distributed agreeably to the preceding article have unknown brands, those to whose lot they should fall shall not be legitimate owners thereof until after the expiration of three years, for should their owners previously appear, they shall be entitled to receive them on proving property and pay what is called the tax of removal.

ART. 8. Should any person or persons, of the inhabitants, or those belonging to the civic militia, who shall go to carry on the war, die in that service, their parents, wives and children, shall be respectively included, as the case may be, in the distribution of the animals.

ART. 9. The ayuntamientos shall take care to circulate the lists mentioned in article 8 of the law relative to strays, to all the towns of the state, and to the authorities of those adjoining, under their most strict responsibility, which shall be made effectual for any omission that shall be noted in this particular.

ART. 10. The inhabitants of the department of Rio Grande shall be excepted from paying the tax established in article 6th of the aforementioned law No. 8 of the 31st of August 1827, for the term of four years, and otherwise the said law, so far as it is not opposed to this decree, shall continue in force.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. MONTES, Presiden.  
J. M. J. CARBAJAL, D. S.  
J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova, on the 19th of May, 1835.

AUGUSTIN VIESCA.

J. M. YRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 322.

The Congress of the State of Coahuila and Texas has thought proper to decree:

On the 20th instant, congress shall close its ordinary sessions.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 20th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

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*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

## DECREE No. 323.

The Congress of the State of Coahuila and Texas has thought proper to decree as follows:

ART. 1. The executive shall appoint a commission of three individuals of his confidence, and known to be qualified, to take charge of the examination of land titles that may be in dispute in what was formerly called province of Texas, and other matters in relation to lands in the departments of Nacogdoches, Brazos and Bexar.

ART. 2. The first appointed shall be president, and styled commissioner general of Texas;—the second, who shall possess the necessary scientific information, shall be the surveyor general;—and the third shall act as secretary in the business that should be transacted. The first and last, besides possessing the necessary qualifications for performing the duties of their office, shall be Mexicans by birth. They shall all be responsible with their persons and property for abuse and violation of law in the exercise of their functions, and shall make oath before the executive faithfully and legally to proceed in whatever relates to their trust.

ART. 3. The executive shall point out their attributes, and make such regulations as he deems proper in accordance with the laws.

ART. 4. They shall be paid the following salaries per annum.

The commissioner general and the surveyor fifteen hundred dollars each.

The secretary one thousand dollars.

They shall all be considered as public officers of the state, so long as they continue in the discharge of their trust.

ART. 5. The commission shall receive from the persons interested, for their titles that prove to be valid at the rate of three dollars a sitio for grazing land, and five rials a labor, to be paid into the state funds.

ART. 6. The sum of one hundred dollars is hereby assigned the commission for office expense, and the executive may augment said sum, should it be necessary, with the approval of congress, and, during recess, of the standing deputation.

ART. 7. The executive shall assign the commission the term for which they are to exercise their functions, which shall not exceed two years.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.  
J. M. J. CARVAJAL, D. S.  
J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 20th of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of }  
Coahuila and Texas. }*

The constitutional Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 324.

The Congress of the State of Coahuila and Texas has thought proper to decree:

The law of the 11th of January 1834, authorizing the executive for the pursuit and extermination of robbers is hereby repealed.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la N. y MONTES, President.  
J. M. J. CARBAJAL, D. S.  
J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given in the city of Monclova on the 20th May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

*Executive Department of the State of  
Coahuila and Texas.* }

The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the congress of said state has decreed as follows:

DECREE No. 325.

The Congress of the State of Coahuila and Texas has thought proper to decree:

ART. 1. Should the executive think proper, during the recess of congress, to establish his despatch at any other place in the state than the capital, he is hereby authorized to do so provisionally.

ART. 2. In case they avail themselves of the power granted in the foregoing article, the standing deputation and executive council may perform their functions at the place the executive shall designate, exercising respectively, as the case may be, the power granted them by the constitution.

ART. 3. This decree cannot have effect for a longer time than during the interval between both terms of ordinary session of congress.

For its fulfilment, the Governor of the State shall cause it to be printed, published, and circulated.

A. de la V. y MONTES, President.

J. M. J. CARVAJAL, D. S.

J. A. TIJERINA, D. S.

Wherefore I command it to be printed, published, circulated and duly fulfilled.

Given at the city of Monclova on the 21st of May, 1835.

AUGUSTIN VIESCA.

J. M. IRALA, Secretary.

# CONSTITUTION

OF THE

# STATE OF COAHUILA AND TEXAS

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The Governor of the state of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the organizing congress of said state has decreed and sanctioned the following political constitution of the State of Coahuila and Texas.

In the name of the Creator and Supreme Lawgiver of the Universe, the Congress of the State of Coahuila and Texas, desiring to comply with the will of the people, their constituents, and for the purpose of duly fulfilling the grand and magnificent object of promoting the glory and prosperity of said state, decrees for its administration and government the following

## CONSTITUTION.

### PRELIMINARY PROVISIONS.

ART. 1. The State of Coahuila and Texas is the union of all the *Coahuilteños*.

ART. 2. It is free, and independent of the other Mexican United States, and of every other power and dominion whatsoever.

ART. 3. The sovereignty of the state resides originally and essentially in the general mass of the individuals who compose it, but they shall not, of themselves, exercise any other acts of sovereignty than those pointed out in this constitution, and in the form which it provides.

ART. 4. In all subjects relating to the Mexican confederacy the state delegates its powers and rights to the general congress of the same, but in all that belongs to the internal government and administration of said state, it retains its liberty, independence and sovereignty.

ART. 5. Wherefore, the right of establishing its fundamental laws through the medium of its representatives, in conformity to the basis established in the constitutive act and general constitution, belongs exclusively to the said state.

ART. 6. The territory of the state is the same as that embraced in the provinces formerly known by the names of Coahuila and Texas. A constitutional law shall mark out its limits, in respect to the adjoining states, of the Mexican Confederacy.

ART. 7. For the better administration thereof, the territory of the state shall for the present be divided into three departments as follows,—viz:

*Bezar*,—Embracing all the territory corresponding to what was called province of Texas, which shall form one sole district.

*Monclova*,—Consisting of the district of the same name, and that of Rio Grande.

*Sabilla*,—Comprehending the district of the same name, and that of Parras.

ART. 8. Hereafter congress may alter, vary, and modify this division of the territory of the state as it shall judge most conducive to the felicity of the people.

ART. 9. The Roman Catholic Apostolic Religion shall be the religion of the state. The state protects it by wise and just laws, and prohibits the exercise of any other.

ART. 10. The state shall regulate and pay all expense that should be necessary for the preservation of religious worship, agreeably to the concordates the nation should ratify with the Apostolic See, and to the laws that shall be prescribed on the exercise of the *patronato* throughout the republic.

ART. 11. Every man who resides within the limits of the state, although but transiently, shall enjoy the imprescriptible rights of liberty, security, property and equality; and it is the duty of said state to preserve and protect by wise and equitable laws, these universal rights of men.

ART. 12. The state is also obligated to protect all its inhabitants in the exercise of the right which they possess of writing, printing and freely publishing their sentiments and political opinions, without the necessity of any examination, or critical review previous to their publication, under the responsibility and restrictions that are now, or shall be hereafter established by the general laws on the subject.

ART. 13. From and after the promulgation of the constitution in the capital of each district, no one shall be born a slave in the state, and after six months the introduction of slaves under any pretext shall not be permitted.

ART. 14. In return, all men who inhabit the state shall obey its laws, respect its constituted authorities, and contribute to its support in the manner it requires.

ART. 15. All kinds of vacant property within its limits, and all intestate property without a legal successor, shall belong to the state.

ART. 16. The state shall be composed solely of two classes of persons,—viz: *Coahuiltexanos*, and the citizens of Coahuila and Texas.

ART. 17. The following persons shall be Coahuiltexians.

*First*,—All men born and domiciliated in the territory of the state, and the children of the same.

*Second*,—All those born in any other part of the territory of the republic, who shall fix their residence in the state.

*Third*,—Foreigners, of whatever nation, now legally established in the state.

*Fourth*,—Foreigners, who obtain from congress letters of citizenship, or become domiciliated in the state according to the law that shall be enacted as soon as the general congress issues the general Naturalization Law, which, agreeably to the 27th prerogative conferred by the constitution of the republic, ought to be established.

ART. 18. The following shall be freemen of Coahuila and Texas.

*First*,—All men born in the state and domiciliated in any part of the territory thereof.

*Second*,—All citizens of the other states and territory of the republic, as soon as they are domiciliated in the state.

*Third*,—All sons of Mexican citizens, born without the territory of the republic, who establish their domicile in the state.

*Fourth*,—Foreigners, from whatever country, now legally domiciliated in the state.

*Fifth*,—Foreigners, now enjoying the rights of *Coahuiltexanos*, who shall obtain special certificates of citizenship from congress. The laws shall prescribe the qualifications and conditions for granting them the same.

ART. 19. Those born within the territory of the republic, and foreigners domiciliated therein (except minors, when the political liberties of the country were proclaimed, who did not remain true to the cause of its independence, but emigrated to a foreign country, or dependency of Spain, shall neither be Coahuiltexians, nor citizens of Coahuila and Texas.

ART. 20. The rights of citizenship shall be forfeited.

*First*,—By becoming naturalized in a foreign country.

*Second*,—By admitting office, pension, or title from a foreign government without permission from congress.

*Third*,—By receiving executory sentence, wherein corporal or disgraceful punishment is imposed.

*Fourth*,—By a person selling his vote, or buying that of another for himself, or a third person, whether in popular assemblies, or in any other; and by violation of public trust in the said assemblies, whether by presidents, secretaries, tellers, or those discharging any other public function.

*Fifth*,—By having resided five years in succession without the territory of the republic, without a commission from the general government or that of the state, or without licence from the latter.

ART. 21. A person who forfeits the rights of a citizen cannot recover the same, unless reinstated therein by congress.

ART. 22. The exercise of the said rights shall be suspended.

*First*,—For moral or physical disability, after judicial investigation.

*Second*,—For not having attained the age of twenty-one years, except married persons, who shall enjoy the said rights from the time they marry, whatever be their age.

*Third*,—For being debtor to the public funds, the time of payment having expired, and payment having been demanded.

*Fourth*,—For being under criminal prosecution, until acquitted or sentenced to a punishment not corporal or disgraceful.

*Fifth*,—For having no employment, trade, or known way of support.

*Sixth*,—For not being able to read and write, but this provision shall not take effect until after the year 1850, and with respect to those who shall enter on the exercise of the rights of citizens after that time.

ART. 23. Only for the causes specified in articles 20 and 22 shall the rights of citizenship be forfeited or suspended.

ART. 24. None but citizens in the exercise of their rights shall vote for officers of the state in cases designated by law, and such only shall be elected to the said officers, and all othes of the state.

ART. 25. Offices requiring persons belonging to any professional faculty shall be excepted from the latter part of the preceding article, and may be conferred upon persons not residing in the state.

#### FORM OF GOVERNMENT OF THE STATE.

ART. 26. The object of the government shall be the happiness of the individuals who compose it, since the end of every political society is no other than the wellbeing of its members.

ART. 27. The officers of the government clothed with any kind of authority are mere agents or delegates of the state, responsible to the same for their political conduct.

ART. 28. The federal republican shall be the form of government of the state. In pursuance thereof there shall be no hereditary office or privilege in the state.

ART. 29. The supreme powers of the state shall be divided for its exercise into legislative, executive and judicial, and neither these three powers, or any two of the same, shall ever be united in one corporation or person, nor shall the legislative be deposited in one individual alone.

ART. 30. The exercise of the legislative power shall reside in a congress composed of deputies, chosen by the people.

ART. 31. The executive power shall reside in a citizen, to be styled the governor of the state, and to be chosen by the people.

ART. 32. The exercise of the judicial power shall reside in the tribunals and courts of justice established by this constitution.

TITLE I.

LEGISLATIVE POWER OF THE STATE.

SECTION I.

*Deputies of Congress.*

ART. 33. Congress shall be the union of the deputies, representing the state, and elected in conformity to this constitution. Until the year 1832, it shall consist of the number of twelve deputies proper, and six substitute deputies.

ART. 34. During the present year, and last of every ten years following, Congress may augment the number of its deputies, on the basis of one for every thousand souls.

ART. 35. The election of deputies proper and substitutes, shall be holden at the same time in each and every district of the state.

ART. 36. To be eligible to the office of deputy, proper or substitute the following qualifications at the time of the election shall be required.

*First*,—To be a citizen in the enjoyment of his right.

*Second*,—To have attained the age of Twenty-five years.

*Third*,—To be domiciliated in the state, and to have resided therein the two years immediately preceding the election.

ART. 37. Those not born within the territory of the republic, to be eligible as deputies, proper or substitutes, shall have been eight years domiciliated therein, and possess real estate to the amount of eight thousand dollars, or an industrious employment that shall yield them one thousand dollars per annum, and the qualifications provided in the preceding article.

ART. 38. Natives of any other part of America, subject to Spain in 1810, and not now annexed to any other nation, nor in subjection to the former, shall be excepted from the foregoing article, and for such three years domicile in this republic, and the requisites prescribed in article 36, shall be sufficient.

ART. 39. The following persons cannot be deputies, proper or substitutes.

*First*,—The governor and vice governor of the state, and members of the executive council.

*Second*,—Officers of the republic.

*Third*,—Civil officers appointed by the executive of the state.

*Fourth*,—Ecclesiastics, exercising any jurisdiction or authority in the district where the election is holden.

*Fifth*,—Foreigners in time of war between their own country and this republic.

ART. 40. The officers of the republic, or of the state, comprised in the foregoing article, to be eligible as deputies, shall have entirely ceased in office four months previous to the election.

ART. 41. Should the same person be chosen deputy proper for two or more districts, he shall prefer the choice for that wherein he is domiciliated for the time being. Should he not be domiciliated in either, that of his native district shall prevail. Should he neither be domiciliated in, or a native of any of said districts, that of the one which the deputy chosen shall himself designate, shall be effective. In either of these cases, or in that of death, should it be impossible, in the opinion of congress, for the deputies proper to perform their functions; the respective substitute deputies shall fill their places.

ART. 42. Should the same person also prove to be elected substitute deputy for two or more districts, the same order of preference shall be observed as provided in the three first parts of the preceding article, and in the other districts that remain without a substitute deputy, the vacancy shall be filled by the one who received in the respective electoral assembly, the next highest number of votes to that of the one whose place is to be filled. In case of a tie, it shall be decided by lot.

ART. 43. The deputies during the time of discharging their duties, shall receive from the state treasury such pay as the preceding congress shall assign them, and they shall furthermore be paid the amount that said congress thinks proper for the expense they have to incur in repairing to the place of session, and in returning home after the close of the same.

ART. 44. At no time, in no case, and to no authority shall the deputy be responsible for the opinions they manifest in the discharge of their duties. In criminal actions that should be commenced against them they shall be tried by the tribunals hereinafter mentioned, and from the day of their election until the expiration of the two years term of service, they can be accused only before congress, which shall form itself into a grand jury, for declaring whether there be a just ground of action.

ART. 45. During the time of their service, reckoned for this object from the day of their election, they can obtain no office or provision of the executive, either for themselves, or request it for another, not even promotion, except by the scale in their respective career.

## SECTION II.

### ELECTION OF DEPUTIES.

ART. 46. For the election of deputies, municipal and district electoral assemblies shall be holden.

## PARAGRAPH FIRST.

*Municipal Electoral Assemblies.*

ART. 47. Municipal electoral assemblies shall be composed of citizens in the enjoyment of their rights, domicilated and resident within the limits of the respective Ayuntamiento. No person of this class shall decline attending the same.

ART. 48. Said assemblies shall be holden on the first Sunday, and day following, in the month of August of the year preceding that of the renewal of congress, for choosing district electors, who are to elect the deputies, and eight days previous, the president of each Ayuntamiento, without the necessity of awaiting any orders shall convoke the citizens of his district by the proper edict, or as the custom may be, to convene in order to hold the election at the time and in the manner this constitution provides, previously giving notice to the haciendas and ranchos of said district that it may come to the knowledge of the inhabitants thereof.

ART. 49. That the citizens may more conveniently attend, each Ayuntamiento, according to the locality and population of its territory, shall determine the number of municipal assemblies to be formed within its limits, and the public places where they shall be holden, designating to each the places corresponding thereto.

ART. 50. They shall be presided, one by the chief of police, or the Alcalde, and the rest by the other individuals of the Ayuntamiento, as it shall fall to them by lot, and in default of the latter, said corporation shall choose for president of the respective municipal assembly, an inhabitant of the district assigned thereto, who can read and write.

ART. 51. On the aforementioned Sunday in August, the hour of the meeting having arrived, and the citizens assembled in the place appointed, being together, the said assembly shall commence by choosing from among themselves, by majority of vote one secretary and two tellers, who can also read and write.

ART. 52. The election shall remain open on both days specified in article 48, four hours each, divided in morning and evening, and a register shall be kept in each assembly to record therein the votes of the citizens convened to choose the district electors, entering alphabetically the names of the voters and candidates.

ART. 53. To be eligible as district elector it shall be required to be a citizen in the exercise of his rights, to have attained the age of twenty-five years—to be able to read and write, and to be domiciliated and resident in the same district one year, immediately preceding the election.

ART. 54. Each citizen shall vote for the respective district electors, *viva voce* or in writing, in the former case the voter shall call the name of those for whom he votes, in an audible voice, and should he give in his vote in writing, the secretary shall read the ticket in the same

manner, and enter the same in the register, indispensably in the presence of the voter. No person shall vote for himself in this or the other electoral acts under penalty of losing the right of voting.

ART. 55. In a district where only one deputy is to be elected, eleven, and where two or more, twenty-one electors shall be chosen.

ART. 56. Doubts or controversies that arise whether any person or persons present possess the qualifications required for voting shall be decided verbally by the assembly, and the decision shall be executed without appeal for that time and purpose only, it being understood that the doubt shall not turn upon the provision of this constitution, or other laws. Should there be a tie in resolving thereon, absolutory sentence shall be given.

ART. 57. Should complaints arise of bribery, subornation, or force to cause the election to result in favor of particular persons, the case shall be publicly and verbally canvassed and brought to a decision. Should the accusation prove to be true, the offenders shall be deprived of a voice, active and passive. False accusers shall suffer the same penalty. From this decision there shall be no appeal. Doubts in regard to the nature of the testimony shall be decided in the manner stated in the preceding article.

ART. 58. Municipal assemblies shall be holden with open doors, without any guard and no person, of whatever class, shall appear armed therein.

ART. 59. The election on both days having terminated, the president, secretary and tellers of each assembly shall proceed to count and cast up the number of votes received by the several candidates in the register, and sign the same, which having been done the assembly shall be dissolved, and any other act in which they interfere shall not only be null, but shall be considered an offence against the public safety.—Said register shall be delivered enclosed to the secretary of the respective Ayuntamiento.

ART. 60. On the second Sunday of the month of August aforesaid, each Ayuntamiento shall convene in their respective town halls in public session. In their presence, the president, tellers and secretary of the municipal assemblies being also present, the registers shall be opened, and in view of all of said registers, a general list shall be formed alphabetically, comprising all the candidates and number of votes they have received.

ART. 61. Said list, and the act of corporation that shall be written out relative to the subject, shall be signed by the president of the Ayuntamiento, and secretary of the same, and the secretaries of the assemblies. Two copies of the aforementioned list shall then be drawn off, authorized by the same persons, one which shall be immediately posted in the most public place, and the other delivered with the corresponding official letter, signed by the president of the Ayuntamiento to two individuals whom said board shall appoint from its own body that they may proceed to the capital of the district to join those commissioned

by the other Ayuntamientos, in order to make the general regulation of the votes.

ART. 62. On the fourth Sunday in August those commissioned by the Ayuntamientos shall present themselves, with the credentials of their appointment, to the chief of police, and in his default, to the first alcalde of the capital of the district, and the former or latter, as the case may be, presiding, they shall meet in the town halls in public session, and, in view of all the lists, shall form a general list of the persons chosen district electors by the citizens of their respective district, stating the number of votes they have received, and places of their residence.

ART. 63. In order to make the said general regulation of votes, the concurrence of four commissioners at least shall be required. In districts where said number cannot meet, the Ayuntamiento of the capital town shall choose from their own body the persons wanting to complete the same.

ART. 64. The citizens resulting, by this general scrutiny, to have the greatest number of votes in the list, shall be considered constitutionally chosen as electors. In case of a tie between two or more persons it shall be decided by lot.

ART. 65. The aforementioned list, and act relative to the subject shall be signed by the president, commissioners, and secretary of the Ayuntamiento of the capital of the district. Copies of both shall be drawn off authenticated by the same persons, and forwarded by the president to the permanent deputation of congress, to the governor of the state, and to the Ayuntamientos within the precincts of the district.

ART. 66. Said president shall forward the corresponding official letter forthwith to the electors chosen, in order that they may meet in the capital of the district on the day provided by the constitution, for the purpose of holding the electoral assembly of the same.

## PARAGRAPH SECOND.

### *District Electoral Assemblies.*

ART. 67. District electoral assemblies shall be composed of the electors chosen by the citizens in the municipal assemblies, who shall meet in the capital of the respective district to choose the deputy or deputies corresponding thereto, to meet in congress as representatives of the state.

ART. 68. Said assemblies shall be holden at the expiration of fifteen days from making the general regulation of votes mentioned in article 62, the electors convening in the town halls or in the building considered most appropriate for so solemn an act, with open doors, and without a guard, and no person, of whatever class, shall appear armed in the said assemblies.

ART. 69. They shall be presided by the police chief and in his default, by the first alcalde of the capital of the district, commencing their sessions by choosing from their own body, by majority of vote, a secretary and two tellers; the president shall then cause the credentials

of the electors to be read, which shall be the official letters, wherein they were notified of their appointment.

ART. 70. The president shall then inquire if there be any legal nullity on the part of any elector for his being such; and should it be proved in the act that there is, the elector shall loose the right of voting. The president shall afterwards also enquire if any bribery, subornation, or force has been used for the election of any particular person, and should it be proved in the act that there has, the delinquents shall be deprived of a voice, active and passive, and false accusers shall suffer the same penalty. Doubts that arise in either case shall be decided by the assembly, in the manner mentioned in article 56.

ART. 71. The electors present shall then immediately proceed to make choice of the deputy or deputies corresponding to the district, and they shall be elected one by one by secret scrutiny, by means of slips which each elector shall deposit in an urn placed upon a table at the foot of a Crucifix, after being sworn before the same, and by the president that for deputies to the congress of the state, he will give his vote for those citizens, who in his opinion possess the qualifications of education, integrity, probity, and well known adherence to the cause of the national independence.

ART. 72. On conclusion of the voting, the president, tellers and secretary shall examine the votes, and the candidate who received more than one half of the votes shall be deputy, constitutionally elected, the president declaring each election. Should no one have received the absolute majority, the two highest candidates shall be run in a second balloting. Should more than two persons have received a like respective majority, they shall all be run in the second balloting, and the same shall be done when no one has received said majority, but all an equal number of votes. In all these cases the candidate receiving the majority of votes shall be elected; should there be a tie, the balloting shall be repeated once only, and should there still be a tie, it shall be decided by lot.

ART. 73. Should one individual only have received the respective majority, and two or more persons an equal number of votes, but greater than that of all the others, to decide which of them shall run in a second balloting with the former, there shall be a second balloting between them, and the one who should receive the most votes shall enter in competition with the candidate who received the respective majority. In case of a tie the balloting shall be repeated, and should there still be a tie, it shall be decided by lot. In the second balloting between the one who received the respective majority over all the candidates, and his rival, the provision made in the last part of the preceding article shall be observed.

ART. 74. When one person only has received the respective majority, and all the rest an equal number of votes, to determine which of the latter shall enter in competition in a second balloting with the former, the entire provision made in the preceding article with this view

in respect to those between whom there was a tie shall be executed, and to determine also which of the rival candidates shall be elected deputy, the provision of the last part of said article shall be observed.

ART. 75. The election of deputies proper having closed, that of the substitutes shall immediately follow in the same method and form, and the latter having also terminated, a list containing the names of all the deputies elected, signed by the secretary of the respective assembly, shall be immediately posted in the most public place. The electoral act shall be signed by the president and all the electors, and the former, the secretary and tellers, shall forward copies, authenticated by themselves, to the permanent deputation of congress, to the governor of the state, and to all the ayuntamientos of the district. Said assemblies, as soon as they have performed the acts pointed out in this law, shall immediately dissolve, and any other in which they interfere shall be null, and furthermore reputed an offence against the public safety.

ART. 76. The president shall also seasonably dispatch the corresponding official letter to the deputies proper and substitutes, accompanied by an attested copy of the act, to serve them as a credential of their election.

ART. 77. No citizen shall decline discharging from any cause or pretext, the duties mentioned in this section.

### SECTION III.

#### HOLDING SESSIONS.

ART. 78. Congress shall meet every year and hold its sessions, at the place that shall be designated by law for that purpose. When it should find it convenient to remove to another place, it may do so, provided, that two-thirds of all the deputies shall so agree.

ART. 79. The deputies shall present their credentials to the standing deputation of congress that it may proceed to examine and determine on the same, having in view the attested copies of the elections of the electoral district assemblies.

ART. 80. On the 28th of December of the year preceding that of the renewal of congress, the deputies newly elected and members of the permanent deputation shall meet in public session, and the president and secretary of said deputation shall act as such in said assembly. Said assembly shall discuss the subject of the legality of the credentials and qualifications of the deputies, and doubts that arise in regard to those two points shall be decided by said assembly, by majority of vote, those members of the standing deputation who have not been re-elected not having a vote.

ART. 81. The president shall then administer to the deputies the corresponding oath to respect the constitutive act, the constitution of this republic, and that of the state, and cause the same to be respected, and fully to fulfil the duties of their trust.

ART. 82. The deputies shall then proceed to elect from among themselves by ballot, and majority of all the votes, a president, vice president and two secretaries, with which the permanent deputation shall cease in all its functions, and the members thereof immediately retiring, should they not have been re-elected, the president of congress shall declare that said body is solemnly and legally established.

ART. 83. For holding all other sessions, ordinary and extra, the deputies shall meet four days previous to that of opening the same in the manner provided in the first part of article 80, in order to resolve, in the same form as mentioned in the second part of said article, upon the legality of the credentials and qualifications of the deputies that are again presented, and being approved the deputies shall immediately be sworn as prescribed in article 81, and they shall then proceed to make choice of a president, vice president and secretaries in the same manner as provided in article 82.

ART. 84. Congress shall open its ordinary sessions on the first day of January, annually, and on the first of September, of every year following that of the renewal of congress, it being the duty of the governor to attend, in such important acts, who shall deliver a message in accordance with the state of affairs, to which the president of congress shall reply in general terms.

ART. 85. On the day following that of the opening of the ordinary sessions, the governor shall present himself to give information to congress in writing, of the state of the public administration, proposing the measures or reforms that may be made in each and every department thereof.

ART. 86. The sessions of congress shall be daily, with no other interruption than that of annual holidays. They shall all be public, except those whereon subjects are to be treated requiring reserve, which may be private.

ART. 87. The ordinary sessions of congress, commencing on the first of January shall continue for that month, and the three following, of February, March and April, and shall not be prorogued except for one month at the longest, and in only two cases, first on petition of the governor, second, should congress itself judge necessary, and in both cases the vote of two-thirds of all the members shall be required. The ordinary sessions commencing on the first of September shall continue for the 30 days of said month, and from no cause, and under no pretence shall they be prolonged. Both shall be closed with the same formalities as prescribed for opening the same.

ART. 88. Congress, before closing its ordinary sessions, shall choose from its own body a permanent deputation composed of three members, proper, and one substitute which shall continue during the whole of the interval between both terms of ordinary session. The first chosen shall be president, and last member proper, secretary thereof.

ART. 89. When circumstances or business occur during the interval between both terms of ordinary session, requiring the meeting of

congress, it may be convoked to extra session, provided, that by unanimous vote two-thirds of the members of the standing deputation, and of the executive council, convened for that purpose, shall so agree.

ART. 90. Should the circumstances or business that occasioned the extra convocation of congress be very weighty and urgent, the standing deputation, convened with the council and other members present in the capitol, shall take the necessary temporary measures, and give notice thereof to congress as soon as it shall have convened.

ART. 91. When congress meets to hold extra sessions, the same deputies shall be called to concur therein, whose duty it is to attend the ordinary sessions of that year, and they shall be exclusively engaged upon the subject or subjects comprized in the letter of convocation; but should they not have concluded the same by the time the ordinary sessions are to be opened, the extra sessions shall be closed, and the business for which they were called, be continued in the former.

ART. 92. Holding extra sessions shall not impede the election of new deputies at the time prescribed by this constitution.

ART. 93. The extra shall be opened and closed with the same formalities as the ordinary sessions.

ART. 94. The governor shall cause all resolutions adopted by congress on removal of its residence, or prorogation of its sessions, to be executed, without making observations thereon.

ART. 95. Congress in all that pertains to its internal order and government, shall observe the rules that shall be formed by the present congress, with power to make therein, such reforms as it may judge necessary.

ART. 96. The deputies shall be entirely renewed every two years, and those of the preceding congress may be re-elected, but they shall not be obligated to accept this charge until after the interval occupied by a deputation. The deputies of the present congress shall for this time be excepted from the provision of this article, and shall not be re-elected to the next constitutional congress.

#### SECTION IV.

##### *Powers of Congress, and its Permanent Deputation.*

ART. 97. The following prerogatives shall belong to congress.

*First*.—To enact, interpret, amend or repeal the laws relative to the administration and internal government of the state in all its branches.

*Second*.—Regulate the votes received by citizens at the electoral district assemblies for governor, vice governor and councillors, and make choice of the same, as the case may be.

*Third*.—To decide by ballot the ties that occur between two or more persons in elections to said trusts.

*Fourth*.—Resolve upon doubts that arise upon said elections, and upon the qualifications of the persons elected.

*Fifth*.—Examine the reasons offered by those elected for not accepting said offices, and resolve thereon as it shall think proper.

*Sixth*.—Form itself into a grand jury for declaring whether there be a just ground of action, both for crimes of office, and for crimes in general, committed against the deputies of congress, the governor, vice governor, members of the council, secretary of state, and members of the supreme tribunal of justice of the state.

*Seventh*.—Render the responsibility of the said public functionaries effectual, and provide that it be exacted of the other officers as the case may be.

*Eighth*.—Determine every year the state expenditures in view of the pre estimates, to be presented by the executive.

*Ninth*.—Establish or confirm the imposts, or contributions necessary for covering said expense in accordance with this constitution, and that of the republic. Regulate their collection, determine their application, and approve their distribution.

*Tenth*.—Examine and approve the accounts of the disposition of all the funds of the state.

*Eleventh*.—Contract debts in case of need, on the credit of the state, and designate guaranties for covering the same.

*Twelfth*.—Enact what is proper for the administration, preservation, and alienation of the property of the state.

*Thirteenth*.—Create, suspend or abolish the public offices of the state; assign, diminish or augment them their salaries, recesses, or labours.

*Fourteenth*.—Grant rewards or recompenses to corporations or persons who may have rendered signal services to the state, and decree public honors to perpetuate the memory of great men.

*Fifteenth*.—Regulate the method of recruiting the men required for the service or replacement of the companies of the standing garrison militia, of cavalry, or of active militia, belonging to the same auxiliary arm of defence as the former, which are destined to the defence of the state by their institution, and approve of the allotments made among the towns of the state, of the portions that respectively belong to them for fulfilling that object.

*Sixteenth*.—Enact what is proper for the enrollment and instruction of the civic militia of the state, and appointment of its officers agreeably to the discipline that is now, or shall be hereafter prescribed by general law.

*Seventeenth*.—Promote and encourage public knowledge and education by laws, and the progress of the sciences, arts, and useful establishments, removing the obstacles that retard such commendable objects.

*Eighteenth*.—Protect the political liberty of the press.

*Nineteenth*.—Intervene, and give or withhold its consent in all those acts and cases wherein it is provided in this constitution.

ART. 98. The following shall be the powers of the standing deputation.

*First*,—To watch over the observance of the constitutive act, constitution and general laws of the union, and the private laws of the state in order to give notice to congress of the violations it may have noticed.

*Second*,—Convoke congress to extra session as the case may be, and in the manner prescribed by this constitution.

*Third*,—Discharge the functions assigned it in articles 79 and 80.

*Fourth*,—Notify substitute deputies in order that they may join congress in their turn in lieu of the deputies proper; and in case of default or absolute impossibility of both, communicate the corresponding orders to the respective district, that it may proceed to a new election.

*Fifth*,—Receive the certified copies of the acts of election of the electoral district assemblies for governor, vice governor, and members of the executive council, and deliver them to congress as soon as it is installed.

## SECTION V.

### *Formation and Promulgation of Laws.*

ART. 99. The form, intervals, and mode of proceeding in discussion and in voting on projects of law or decree shall be provided in the internal rules of congress.

ART. 100. No project of law or decree that should be rejected according to the rules, shall be again proposed until the ordinary sessions of the year following; but this shall not prevent any one or more of their articles from forming a part of other projects not rejected.

ART. 101. One more than the half of the entire number of deputies shall form a quorum for dictating measures and steps not possessing the character of law or decree. For discussing and voting upon projects of law or decree, and dictating orders of great importance, the concurrence of two-thirds of all the members shall be required.

ART. 102. Should a project of law or decree, after being discussed, be approved, it shall be communicated to the governor, who, should he also approve it, shall immediately proceed to promulgate and circulate the same with the corresponding formalities; but should he not, he may make thereon such observations as he may deem proper, previously hearing the council, and shall return the same with his remarks to congress within ten available days, reckoned from its reception.

ART. 103. The projects of law or decree returned by the governor according to the preceding article shall be discussed the second time, and the public speaker, whom the executive should designate, may attend the discussion. Should they be approved by two-thirds of the members present, in this second discussion, they shall be again communicated to the governor, who, without objecting, shall immediately proceed to their formal promulgation and circulation, but should the said

projects not be approved in this form, they cannot be again proposed until the sessions of the year following.

ART. 104. Should any project of law or decree not be returned by the governor within the time assigned in article 102, it shall be considered from that very fact as sanctioned, and shall be promulgated as such, unless congress should have closed or suspended its sessions during said term, in which case it shall be returned on the first day of the next term of session.

ART. 105. Laws shall be repealed with the same formalities, and by the same steps as they are established.

## APPENDIX TO TITLE FIRST.

### *Election of Deputies to the General Congress.*

ART. 106. The electoral district assemblies, on the same day, and in the same method they must perform the election of deputies to the state congress, shall proceed to elect the individuals who are to elect the deputies to the general congress, choosing, for every seven thousand souls, one person possessing the qualifications required by article 53 of this constitution. In districts wherein there proves to be an excess of population of more than three thousand five hundred souls, for this fraction another elector shall be chosen, and in those, whose population does not amount to seven thousand, one shall be chosen notwithstanding. The election having closed, said juntas shall forward a certified copy of their act to the vice governor of the state, and also the corresponding attested copy to each person elected, to serve him as a credential.

ART. 107. The electors thus chosen shall repair to the capitol of the state where they shall present themselves to the vice governor, or person acting in his stead, and convening under the presidency of either three days previous to the first Sunday of October, in public session, in the building they consider most appropriate, they shall choose from among themselves two tellers and a secretary that they may examine the credentials, and report on the day following whether they are in conformity to law. A committee of three persons shall likewise be chosen, to examine the credentials of the secretary and tellers.

ART. 108. On the day following they shall again assemble, the minutes shall be read, and should any defect be found in the credentials or qualifications of the electors, the meeting shall decide without adjourning, and the resolution thereof shall be carried into effect without appeal, for that time and case only, it being understood that the doubt cannot turn upon any provision in this or any other law.

ART. 109. On the first Sunday of the aforementioned month of October, the electors having convened, and one more than the half of them all being present, in the form provided by this constitution for the election of deputies to the state congress, they shall proceed to the election of those who are to represent the state in the general congress.

This having been concluded, the meeting shall make the proper provision for complying with article 17 of the federal constitution, and it shall then dissolve.

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## TITLE II.

### EXECUTIVE POWER OF THE STATE.

#### SECTION I.

##### *The Governor.*

ART. 110. The governor of the state shall possess the following qualifications at the time of his election.

*First*,—He shall be a citizen in the exercise of his rights.

*Second*,—Born in the territory of the republic.

*Third*,—Have attained the age of thirty years.

*Fourth*,—An inhabitant of this state, having resided five years therein, two of which immediately preceding the election.

ART. 111. Ecclesiastics, military and other officials of the republic, in actual service thereof, cannot obtain the office of governor.

ART. 112. The governor of the state shall continue four years in the discharge of his office, and cannot be re-elected to the same office, except on the fourth year from having ceased in his functions.

ART. 113. The prerogatives of the governor, his attributes, and the restrictions of his powers, shall be as follows.

#### PREROGATIVES OF THE GOVERNOR.

*First*,—The governor may make observations upon the laws and decrees of congress in the manner and form prescribed by article 102, suspending their publication until said congress resolves thereon, unless in cases excepted by this constitution.

*Second*,—He may propose to congress such laws or amendments as he thinks conducive to the general good of the state.

*Third*,—He may pardon delinquents conformably to law.

*Fourth*,—The governor cannot be accused for any crime whatever committed during his term of office, and one year after, reckoned from the date whereon he ceased in his functions, except before congress, and after the expiration of that term, not even before congress.

#### ATTRIBUTES OF THE GOVERNOR.

*First*,—To take care that the internal order and tranquillity of the state be preserved, and of its safety without—for both objects disposing

of the militia of said state, of which he shall be commander in chief throughout its territory.

*Second*,—See that the constitutive act, the federal and state constitution, the laws decrees and orders of the general government, and of the congress of said state be fulfilled, issuing the proper orders and decrees for their execution.

*Third*,—Form, with the advice of the council, such instructions and regulations as he deems necessary for the better government of the departments of the public administration of the state, which he shall transmit to congress for approval.

*Fourth*,—Appoint agreeably to the constitution and laws, all the officers of state not chosen by the people, or as otherwise provided by law.

*Fifth*,—Freely appoint and remove the secretary of state.

*Sixth*,—See that justice be promptly and fully administered by the tribunals and courts of justice of the state, and that their decisions are executed.

*Seventh*,—Take care of the administration and collection of all the state rents, and decree their disposition according to law.

*Eighth*,—Suspend from office, as long as three months, and deprive of even one-half their salary for the same length of time, after hearing the advice of the council, all officers of the executive department, and of his appointment or approval on violating his orders or decrees, transmitting the data on the subject to the respective tribunal, should he think there is a proper ground of action.

*Ninth*,—Propose to the standing deputation, whenever he thinks proper after hearing the advice of the council, the convocation of congress to extra session.

#### RESTRICTIONS OF THE POWERS OF THE GOVERNOR.

The governor shall not have power.—

*First*,—To command the civic militia of the state in person without the express consent of congress or during its recess, the resolution of the permanent deputation. Whenever he commands the said militia on the aforesaid condition, the vice governor shall discharge the duties of governor.

*Second*,—Interfere in the examination of causes pending, or dispose in any manner of the persons of those accused in criminal cases, during the trial.

*Third*,—To deprive any one of his liberty or impose punishment upon him, but when the well being and safety of the state require the arrest of any person, he may effect it on condition of putting the persons arrested, within forty-eight hours, at the disposal of a competent tribunal or judge.

*Fourth*,—Take possession of the property of any private individual or corporation, or disturb him in the possession, use, or benefit thereof.

unless it should be necessary for a purpose of manifest public utility in the judgment of the executive council, in which case he may do so with the concurrence of the council, and approval of congress, and during the recess, of the permanent deputation, always indemnifying the party interested agreeably to the opinion of appraisers chosen by the executive and the said party.

*Fifth*,—Impede or embarrass in any manner, or under any pretence the popular elections determined by this constitution and the laws, or that they have their entire effect.

*Sixth*,—Leave the capitol to go to any other part of the state for a longer time than one month; should he require a longer time, or should he be under the necessity of leaving the state, he shall request licence from congress, and during the recess, from the permanent deputation.

ART 114. For publishing the laws and decrees of the congress of the state the governor shall use the following form:

“The Governor of the State of Coahuila and Texas, to all the inhabitants thereof: Be it known, that the Congress of the State has decreed as follows:—

(The original words of the law or decree to be here inserted.)

Wherefore I command it to be printed, published, and duly fulfilled.

## SECTION II.

### *Vice-Governor.*

ART. 115. There shall likewise be a vice-governor in the state, having the same qualifications as those required for governor; his term of office four years, and he cannot be re-elected to the same office until on the fourth year from having ceased in his functions.

ART. 116. The vice-governor shall preside over the council, but without having a vote, except in case of a tie. He shall also be the police chief of the department of the capitol; and when he officiates as governor the office of political chief shall be discharged by a substitute, whom he shall himself appoint provisionally with the approval of the council.

ART. 117. The vice-governor shall discharge the office of governor during its vacancy, or when the latter in the opinion of congress or the permanent deputation is impeded from serving.

ART. 118. When the vice-governor also fails, the councillor whom congress appoints shall act in the place of Governor. Should it be during recess, the appointment shall be made provisionally, until the meeting of congress, by the permanent deputation.

ART. 119. In case of decease or absolute impossibility during the first two years of exercising their functions, a new governor or vice-governor shall be chosen at the time of holding the next election for deputies to congress.

ART. 120. For crimes of any kind whatever, committed during his term of office, the vice-governor can be accused only before congress.

## SECTION III.

*Executive Council.*

ART. 121. For the better discharge of the duties of his office the governor shall have a body for consultation, to be styled *Executive Council*, which shall be composed of three voters proper, and two substitutes, of all whom one only can be an ecclesiastick.

ART. 122. For being a member of the council the same qualifications shall be required as for being a deputy. Those not eligible as deputies, cannot be councillors.

ART. 123. The council shall be renewed every two years, one voter proper, and one substitute, the last chosen, retiring in the first, the other members proper and the other substitute in the second instance, and so on successively.

ART. 124. No councillor can be re-elected until the fourth year from the expiration of his office.

ART. 125. When the vice-governor attends the council he shall preside without having a vote, and in that case the vice-governor shall not attend.

ART. 126. The secretary of the council shall be one of the members thereof, in the manner and form provided in its internal rules, which the council itself shall form and present to the executive, who shall transmit them to congress for approval.

ART. 127. The attributes of the council shall be as follows.

*First*,—To give the governor a written report in all business wherein the law imposes on the latter the duty of requesting the same, and in other matters wherein the governor himself thinks proper to consult said body.

*Second*,—Watch over the observance of the constitutive act, federal constitution, and general laws of the union, constitution and private laws of the state, apprizing congress of any violations it may observe.

*Third*,—Promote establishment of, and give activity to, all the branches of prosperity of the state.

*Fourth*,—Propose nominations of three for filling those offices, wherein the law exacts this requisite.

*Fifth*,—Concur with the permanent deputation agreeably to article 89, on the convocation of congress to extra session, and meet with said deputation for the temporary measures that may be necessary in those cases mentioned in article 90.

*Sixth*,—Explain the accounts of all the public funds, and transmit the same to congress for approval.

ART. 128. The council shall be responsible for all acts relating to the exercise of its attributes.

## SECTION IV.

*Election of Governor, Vice-Governor and Councillors.*

ART. 129. On the day following the election of deputies to congress each and every electoral district junta shall choose a governor, vice governor, three councillors proper and two substitutes, holding said election in the mode and manner provided in articles 71, 72, 73 and 74.

ART. 130. Said election having closed, a list signed by the secretary of the assembly, comprising the names of the persons elected and offices for which they were chosen, shall be immediately posted in the most public place. The acts shall be signed by the president and electors, and attested copies thereof authorized by the said president, secretary and tellers shall be transmitted, enclosed in a certified sheet, to the standing deputation.

ART. 131. On the day the first ordinary sessions of congress are opened, the ex-president of the standing deputation shall present the aforementioned attested copies, and after they are read, congress shall choose a committee from its own body, to which they shall be referred, that said committee may review the same and report thereon on the third day.

ART. 132. On said day congress shall proceed to determine the elections made by the districts, and compute the votes.

ART. 133. The person who receives the absolute majority of votes of the district electoral assemblies, to be computed according to the whole number of voters composing the same, shall be governor, vice governor, or councillor, as the election under consideration may be.

ART. 134. Should no person receive the aforesaid majority, congress shall elect for said offices one of the two or more individuals having the highest number of votes; and the same shall be done when no one has said respective majority, but all an equal number of votes.

ART. 135. Should one person only receive the respective majority, and two or more an equal number of votes, but greater than that of all the others, congress shall elect one individual from among the former, to be run in competition for the election, with the person who received the respective majority.

ART. 136. In case of tie, the balloting shall be repeated once only, and should there still be a tie it shall be determined by lot.

ART. 137. The office of governor, vice governor and councillors shall be discharged in preference to any other whatever in the state, and shall successively have the same preference among themselves. Those elected to said stations shall take possession thereof on the first of March, and they cannot decline serving, except the deputies to congress at the time of the election, and those who, in the judgment of said congress, are morally or physically disabled.

ART. 138. Should the governor elect from any cause, not be present on said day to enter on the performance of his functions, the vice-

governor newly chosen shall enter on the discharge of the office, and should he also be absent, his default shall be supplied agreeably to article 118.

## SECTION V.

### SECRETARY OF STATE.

ART. 139. The despatch of all business whatever pertaining to the executive department of the state shall be under the charge of a secretary, to be styled Secretary of State.

ART. 140. For holding said office, it shall be required to be a citizen in the exercise of his rights, over twenty-five years of age, a native of this republic, an inhabitant of this state, with three years residence therein, and one year immediately preceding his election. Ecclesiastics cannot hold said office.

ART. 141. All laws, decrees, orders regulations and instructions circulated to the towns, or directed by the governor to a particular corporation or person, as well as the copies emanating from the department shall be authorized by the secretary, and without this requisite they shall not be obeyed, or be productive of faith.

ART. 142. The secretary shall be responsible with his person and office for whatever he authorizes with his signature contrary to the constitutive act, the constitution and general laws of the union, or private constitution and laws of the state, and orders of the president of the republic not manifestly opposed to said constitution and laws, without availing him as an excuse, his having done so by order of the governor.

ART. 143. For the internal administration of his office the rules which the secretary shall form, and congress approve, shall be observed.

ART. 144. Said public officer, also the governor, vice-governor and councillors shall cease, during their trust, to discharge the duties of any public stations they were filling, as soon as they have taken possession of office.

## SECTION VI.

### *Department Police Chiefs, and Subordinate or District Chiefs.*

ART. 145. In the capital of each department of the state there shall be an officer charged with the political administration thereof, to be styled *Department Police Chief*.

ART. 146. To be a department chief it shall be required to be a citizen in the exercise of his rights, to have attained the age of twenty-five years, to be an inhabitant of the state, with three years residence therein, and one of which immediately preceding his election.

ART. 147. The governor on nomination of three by the council, supported by reports from the Ayuntamientos of the respective department, shall appoint the department chiefs, except the one in the capital.

ART. 148. The chiefs of department shall be immediately subject to the governor, and in no way to each other.

ART. 149. In the capitol of each district, except the one where the department chief resides, there shall be furthermore, a subordinate or district chief, appointed by the executive on nomination of three by the said chief of department.

ART. 150. The subordinate or district shall possess the same qualifications as the department chiefs, with the difference that the domiciliation and residence must be within the precincts of the same district; and they shall furthermore, have some honorable way of living, sufficient to afford them a suitable support.

ART. 151. The term of office of the district shall be the same as that of the department chiefs, and, on nomination by the latter, they may also continue in office.

ART. 152. No one can decline serving in said trusts, except in case of re-election to the same within four years of the time of serving, or from some other legal cause in the opinion of the governor, who shall resolve after hearing the respective chief of department.

ART. 153. Both of these and the department chiefs shall be responsible for all their acts of omission against the constitution and general laws of the republic, and those of the states, the former to said chiefs of department, under whose immediate orders they shall act, and the latter to the governor.

ART. 154. The attributes of both chiefs, and the manner they are to exercise the same, shall be detailed in the regulations for the politico-financial administration of the towns.

## SECTION VII.

### *Ayuntamientos.*

ART. 155. It shall belong to the Ayuntamientos to attend carefully to the police, and internal administration of the towns of the state, and there shall be Ayuntamientos in all those towns where they have heretofore existed.

ART. 156. Ayuntamientos shall be established in towns where there are none, wherein it is proper they should exist, and they shall be established without fail in the district capitals, whatever be the population thereof, and in towns which, of themselves or with the territory they embrace contain a population to the amount of one thousand souls, unless said towns should be annexed to another municipality, in which case, (since from other considerations it may not be proper for them to separate,) in order that they may have an Ayuntamiento, it shall be so declared by congress, after receiving the report of the governor, and the despatch that shall be formed, assigning the limits that are to embrace the new municipality.

ART. 157. Towns that should not possess the population assigned, and which find it practicable being advantageously annexed to

another or others, shall constitute a municipality, and the Ayuntamiento shall be established at the place most convenient in the opinion of the executive.

ART. 158. In towns wherein Ayuntamientos cannot be established, and which are so distant from the other municipalities that the latter cannot attend to the internal administration thereof, the electoral juntas of that to which they belong shall choose a commissary of police and a *sindico procurador* to discharge the duties assigned them in the regulations for the political administrations of the towns.

ART. 159. The Ayuntamientos shall be composed of the Alcalde or Alcaldes, Sindico or Sindicos and Regidores, whose number shall be designated in the aforementioned regulations.

ART. 160. To be a member of the Ayuntamiento it shall be required to a citizen in the exercise of his rights, over twenty-five years of age, or twenty-one being married, an inhabitant within the jurisdiction of the Ayuntamiento, with three years residence therein, one year immediately preceding their election, to have some capital or trade whereby to subsist, and to be able to read and write.

ART. 161. Public officers receiving a salary from the state, military and other officers of the general government in actual discharge of their duties, and ecclesiastics, cannot be members of the Ayuntamiento.

ART. 162. The Alcaldes shall all be replaced every year, of the regidores, one half their number, and sindicos procuradores the same, should there be two; should there be only one he shall be replaced every year.

ART. 163. A person who has performed the duties of said trusts, cannot hold any other municipal office, or be re-elected to that which he filled, until after two years from having ceased therein.

ART. 164. The members of the Ayuntamientos shall be chosen by the municipal electoral meetings, which shall be holden in the same manner as the municipal meetings established for the election of deputies to congress. The former juntas shall be convoked on the first Sunday in December, and they shall meet and perform their duties on the second Sunday and day following.

ART. 165. Pursuant to said meetings those citizens who have received the greatest number of votes in the respective lists shall be considered constitutionally elected as Alcaldes, Regidores and Sindicos. In case of a tie between two or more persons it shall be decided by lot by the Ayuntamiento acting at the time of the election.

ART. 166. Should any member of the Ayuntamiento decease, or his office become vacant from any other cause, the person receiving the highest number of votes in the order of the respective list shall succeed him in the discharge of the duties.

ART. 167. Ayuntamental offices shall be municipal charges, which no one can decline.

## TITLE III.

## JUDICIAL POWER.

## SOLE SECTION.

*Administration of Justice in general.*

ART. 168. The administration of justice in civil and criminal cases shall exclusively belong to the tribunals and courts of justice which agreeably to the constitution should exercise the judicial power.

ART. 169. Neither congress, or the governor can remove cases pending from an inferior to a superior court; nor can the tribunals and courts of justice themselves open those already concluded.

ART. 170. Every inhabitant of the state shall be judged by competent tribunals and judges, established prior to the act by which he is judged, and in no way by special commission, or retroactive law.

ART. 171. The laws shall regulate the order and formalities to be observed in suits at law. These shall be uniform in all the courts of justice and tribunals, and no authority can dispense therewith.

ART. 172. The tribunals and courts of justice, being authorised solely for applying the laws, shall never interpret the same, or suspend their execution.

ART. 173. Military men and ecclesiastics, residing in the state, shall continue subject to their respective authorities.

ART. 174. No affair shall have more than three processes, and a like number of determinate decisions. The law shall provide which of said sentences shall produce a warrant of attorney, and from said sentence no other appeal shall be admitted than that of nullity, in the form, and for the purposes the law provides.

ART. 175. A judge who has rendered a decision in a case, in any process thereof, cannot take cognizance anew in any other process whatever, or in appeal of nullity interposed in said case.

ART. 176. Bribery, subornation and prevarication are ground for public action against the magistrate or judge who should commit the same.

ART. 177. Justice shall be administered in the name of the state, in the manner the laws prescribe.

## PARAGRAPH FIRST.

*Administration of Justice in Civil Matters.*

ART. 178. Every inhabitant of the state shall be perfectly free to terminate his controversies, whatever be the state of the trial, by means of arbitrators, or in any other extrajudicial manner. His agree-

ments in this particular shall be strictly observed, and the decisions of arbitrators executed, should the parties on making the mutual promise not reserve the right of appeal.

ART. 179. Cases of a small amount shall be terminated by executive measures which shall be executed without any recourse. A particular law shall fix the sum and mode of proceeding therein.

ART. 180. In other civil and criminal matters in respect to wrongs there shall be a trial by conciliation, and without proving that this means has been attempted a trial by writing cannot be established, except in cases which the law itself shall determine.

## PARAGRAPH SECOND.

### *Administration of Justice in Criminal Matters.*

ART. 181. All criminal actions, for light transgressions that should be punished by correctional penalties, shall be decided by executive judgment without the form or shape of trial, and from the result no appeal, or any other recourse can be interposed. The law shall assign said penalties, and determine the crimes to which they correspond.

ART. 182. In grave offences summary information of the fact shall be drawn up authoritatively, without which requisite and that of the corresponding consequent warrant that shall be notified to the accused, and a copy thereof communicated to the jailor, no person can be a prisoner.

ART. 183. Should the judges not be able immediately to fulfil the provision of the preceding articles, the person arrested shall not be considered a prisoner but in the light of one detained; and should the jail warrant not be made known to him within forty-eight hours, and communicated to the jailor, he shall be discharged.

ART. 184. A person who gives bail in said cases, wherein it is not expressly prohibited by law, shall not be taken to prison, and in whatever state of the cause it appears that corporal penalty cannot be imposed on the prisoner, he shall be released under bail.

ART. 185. Those who have to declare in criminal matters upon their own actions shall do so without being under oath.

ART. 186. All persons may arrest a delinquent in the act, and conduct him to the presence of the judge.

ART. 187. The greatest care shall be taken that the jails serve only for securing, and not for molesting the accused.

ART. 188. Criminal causes shall be public, in the manner and form the laws provide, as soon as it is proposed to receive the declaration of the accused in reply to the charges.

ART. 189. The confiscation of property shall forever be prohibited, and even the seizure thereof can only be effected on proceeding in crimes involving a pecuniary responsibility, and only in proportion thereto.

ART. 190. Torture and compulsion shall never be used, and penalties imposed, whatever be the crimes, shall never pass to the family of him who suffers them, but they shall have their effect solely upon the person who deserved them.

ART. 191. No authority of the state can issue a mandate for searching the houses, papers, and other effects of the inhabitants thereof, except in those cases, and in the form, the laws provides.

ART. 192. One of the main objects of attention of congress shall be to establish the trial by jury in criminal cases, to extend the same gradually, and even to adopt it in civil cases in proportion as the advantages of this valuable institution become practically known.

### PARAGRAPH THIRD.

#### *Inferior Courts of Justice and Superior Tribunals.*

ART. 193. The inferior courts of justice shall continue in the manner and form that shall be prescribed by law, until in the judgment of congress the state rents permit the establishment of learned judges, who shall be appointed in each district.

ART. 194. In the capital of the state there shall be a supreme tribunal divided into three halls, each composed of the magistrate or magistrates whom the law designated, and said tribunal shall have a fiscal, who shall despatch all the subjects of the three halls. Should the hall consist of one minister only, said special law shall determine whether colleagues should be appointed, and the manner and form it shall be done.

ART. 195. The two first halls shall take cognizance in the second and third processes of civil cases, of inferior courts of justice, and also of criminal cases according as the laws determine.

ART. 196. It shall belong to the third hall.

*First*,—to decide the power of inferior judges.

*Second*,—Determine appeals of nullity, interposed from executing judgements in first, second and third processes.

*Third*,—Take cognizance in all compulsive appeals interposed from the ecclesiastical tribunals and authorities of the state.

*Fourth*,—Examine the lists that shall be transmitted to the same monthly, of causes pending in first, second and third processes communicate a copy thereof to the governor, and provide for their publication through the press.

*Fifth*,—Hear doubts of law that occur to the two first halls, and to the primary tribunals, and communicate them to congress, through the channel of the governor, accompanied by the corresponding report.

ART. 197. Actions for transgressions in office entered against inferior judges, and also those formed for crimes of the same kind, and those in general against the deputies of congress, the governor and vice governor, counsellors, secretary of state, and members of the tribunal of

justice shall be opened and closed in all their processes before the said supreme tribunal. The law shall mark out the other powers of the same and its respective halls.

ART. 198. In case an action ought to be entered against the whole tribunal, or any of its halls, congress shall appoint another special tribunal, composed of the corresponding halls and the latter of the magistrate or magistrates considered necessary.

ART. 199. The special tribunal appointed by congress for these cases shall take cognizance of all appeals of nullity in actions of the supreme tribunal of justice, in those of the individuals mentioned in the preceding article, and in subjects pertaining to the third hall.

ART. 200. To be a magistrate of fiscal it shall be required to be a citizen in the exercise of his rights over twenty-five years of age, a native of this republic, and an upright and enlightened lawyer.

ART. 201. Both magistrates and fiscal shall be appointed by congress on nomination by the executive. They shall receive a competent salary, to be designated by law, and cannot be removed from office, except, from a legally established cause.

ART. 202. The members of the supreme tribunal of justice shall be responsible for all their proceedings in the discharge of their functions, and may be accused therefor before congress by any individual of the people whatever.

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## TITLE IV.

### SOLE SECTION.

#### *State Revenue.*

ART. 203. The taxes of the individuals composing the state shall form its public revenue.

ART. 204. Said taxes may be direct, general, or municipal, but of whatever kind they are, they shall be proportionate to the expenditures they are to cover, and to the property of the citizens.

ART. 205. Taxes can not be levied except for paying the portion corresponding to the state of the general disbursements of the republic, and covering the private expense of the state. The taxes for the latter object shall be fixed expressly, on the first term of session, every year, and according to the pre-estimate to be presented by the governor, and approved by congress.

ART. 206. The present taxes shall continue until their repeal be published, and said repeal cannot be decreed except by congress.

ART. 207. There shall be in the capital a general treasury for the receipt, custody and distribution of the whole product of the state rents.

ART. 208. No pay that has not been for covering expense approved by congress, or by special order of the governor shall be allowed the treasurer in account.

ART. 209. The business rooms of the state revenue shall be regulated by particular instructions.

ART. 210. Congress shall choose three individuals every year from within or without its own body, to examine the accounts of the state treasury, and afterwards to present or communicate the same, accompanied by their report to congress for approval. Said approval, or the resolution that should be adopted by congress shall be published and circulated to the Ayuntamientos, in order that they may publish and circulate the same in their districts.

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TITLE V.

SOLE SECTION.

*Civic Militia of the State.*

ART. 211. Corps of civic militia shall be established in all the towns of the state, and the said corps shall compose the military force of the state.

ART. 212. The formation of said corps, their organization, discipline, and internal government, shall be regulated by congress in conformity to the provision made on the subject by the general laws of the republic.

ART. 213. Congress shall regulate the service of said militia, so that while it is adapted to the purposes of its institution and to the best interests of the state, it may be as little onerous as possible to the citizens.

ART. 214. No *Coahuil-Texano* can decline lending said service when required by law, and in the manner it provides.

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TITLE VI.

SOLE SECTION.

*Public Education.*

ART. 215. In all the towns of the state a suitable number of primary schools shall be established, wherein shall be taught reading, writing, arithmetic, the catechism of the christian religion, a brief and simple explanation of this constitution, and that of the republic, the rights and duties of man in society, and whatever else may conduce the better education of youth.

ART. 216. The seminaries most required for affording the public the means of instruction in the sciences, and arts useful to the state; and wherein, the aforementioned constitutions shall be fully explained, shall be established in suitable places, and in proportion as circumstances go on permitting.

ART. 217. The method of teaching shall be uniform throughout the state, and with this view, also to facilitate the same, congress shall form a general plan of public education, and regulate by means of statutes and laws all that pertains to this most important object.

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## TITLE VII.

### SOLE SECTION.

#### *Observance of the Constitution.*

ART. 218. The observance of the constitution in all its parts shall be one of the first and most sacred duties of the inhabitants of the state of Coahuila and Texas, and neither congress, or any other authority can exempt them therefrom; and every *coahuil-texano* may demand said observance, setting forth with that view to congress or the executive.

ART. 219. For any violation of the constitution whatever, the person who committed it shall be personally responsible. In order to render said responsibility effective congress shall dictate the laws and decrees it thinks conducive to that end; and furthermore, every year in its first sessions, take under deliberation the infringements manifested to the same by the permanent deputation and executive council, and adopt the proper resolution thereon.

ART. 220. The public functionaries of the state, of whatever class, shall make oath, on entering in possession of office, to observe, support and defend the constitutive act, the constitution of the republic, and that of the state, and fully and faithfully to discharge the duties of their office.

ART. 221. Propositions upon amendment, alteration, or repeal of any one or more of its articles, shall be made in writing, and supported and signed by one-third of the deputies.

ART. 222. The congress in whose time any of the said propositions are made shall make no further provision, during the two years of its sessions, than for the reading and printing of the same, with the original reasons with which they are supported.

ART. 223. The congress following shall receive the propositions for discussion, or reject them—and if accepted, they shall again be printed, and circulated by the executive to be read in the proximate electoral juntas previous to electing the deputies to congress.

ART. 224. The alterations, amendments or repeals proposed shall be discussed in the congress that follows, and should they be approved, they shall be immediately published as constitutional articles.

ART. 225. For the amendments, alterations, and repeals indicated, besides the rules prescribed in the foregoing articles, all those provided for forming and repealing laws, shall be observed, with the exception of the right of making observations granted the governor, which shall not be conceded in these cases.

Given in Saltillo, on the 11th of March, 1827.

SANTIAGO del VALLE, President.

JUAN Y. CAMPOS, Vice President.

RAFAEL R. VALDES.

JOSE M. VIESCA.

F. A. GUTIERREZ.

JOSE J. de A. ROSALES.

MARIANO VARELA.

JOSE M. VALDES y GUAJARDO.

JOSE C. RAMOS, D. S.

DIONICIO ELIZONDO, D. S.

Wherefore, I command it to be printed, published, circulated, and duly fulfilled.

JOSE IGNACIO ARISPE.

JUAN ANTONIO PADILLA, Secretary.

COLONIZATION LAW  
OF  
THE STATE OF TAMAULIPAS.

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[No. 42.]

DECEMBER 15TH, 1826.

*The Congress of the State of Tamaulipas enacts the following as a General Law.*

ARTICLE 1. Foreigners, who wish to colonize vacant lands in the state, shall be admitted, and their persons and property protected provided they submit to the laws of the republic, and those of the State.

ART. 2. For a foreigner to obtain adjudication of lands he must become domiciliated in some town in the state with a capital of his own to afford him a decent support, or with a trade or useful industrious pursuit which he follows; or he must establish a new town with one hundred families at least. Should he establish himself on the northern frontier of the state, fifty families shall be sufficient for that purpose.

ART. 3. In either case they shall make their petitions in writing to the governor of the state, who shall resolve thereon with the concurrence of his council, and audience of the fiscal of the court of justice of the state, making them the concessions of lands that shall be hereinafter determined.

ART. 4. Foreigners who claim domiciliation in any of the present towns, their petition being granted by the executive, shall be sworn by the respective political authority to observe and to comply with the constitutive act, the constitution and laws of the republic, and those of the state.

ART. 5. After this act, the said authority shall provide that, in a book to be denominated *Register of Foreigners*, shall be written the name of the person who shall have taken the oath, mentioned in the foregoing article, whether he be married, his age, trade, and place of his birth, setting down also the names of the family he may have, and making relation of having taken the oath prescribed. Said books shall be kept in the archives of each town.

ART. 6. Certificates of naturalization and of citizenship shall be granted to foreign colonists as soon as they obtain that of naturalization from the general congress.

ART. 7. From the very date whereon a foreigner is thus registered he acquires domiciliation, and may as such an inhabitant designate (*denunciario*) the vacant land he thinks best, presenting himself to that effect by writing to the respective *Alcalde*, who shall decree what is proper for examining, measuring and marking out the land designated, after citing the adjoining proprietors should there be any.

ART. 8. The instructive despatch being terminated, and no opponent of right resulting, the *Alcalde* shall pass it to the executive of the state, by whom the title of adjudication and ownership shall be issued to the person interested, ordering that the *Alcalde* of the town of his residence put him immediately in possession of the land granted. All these proceedings shall be conducted officially, and the executive shall proceed with the audience of the *fiscal* of the supreme court of justice of the state.

ART. 9. Opposition of right of ownership that is commenced shall go through the steps of an ordinary civil trial between the designator and the opponent, the former aided by an agent of the state, whom with the citation of the *fiscal* the executive shall appoint. Should the opposition be for the right of option to the ownership, the executive shall examine and decide.

ART. 10. The executive shall take care to repeople by this means the depopulated, and very particularly that the designations and judicial proceedings that have to be conducted on account of the same, be not paralyzed.

ART. 11. In the same manner he shall take care that no town projected by foreigners be situated within ten leagues upon the coast of the Gulf of Mexico within the limits of the state, without previously obtaining the consent and approbation of the supreme executive of the union. Beyond said line he shall also take care that, so far as the sites permit, the new towns be established in contact with the present ones, and with the conditions he stipulates with the *empresarios*.

ART. 12. Contracts ratified by *empresarios* with the executive are guaranteed by this law so far as they are in conformity to the provisions thereof.

ART. 13. In the distribution of lands, in view of their diplomas issued by the supreme executive power, military men, who, according to these are entitled to land, shall be preferred. Among citizens not military, no other distinction shall be made than that which is founded in their private merit, and services rendered the country; preferring, in parity of circumstances, a domiciliation in the place to which the lands belong. The quantity in which the lands are to be distributed is pointed out in the following articles.

ART. 14. A square of land measuring a league upon each side, or what is the same thing, a superficies of twenty-five million square va-

ras shall be called a sitio, and this shall be the unit for enumerating one, two or more sitios, in the same manner as the unit for counting one, two or more labores shall be a superficies of a million square varas, or a thousand varas on each side, which shall compose a labor. The vara for these dimensions shall consist of three geometrical feet.

ART. 15. That unit taken as a standard, and observing the distinction to be made on the distribution of lands, between grazing lands, or those suitable for raising stock, and irrigable and temporal tillage land, this law grants to the contractor or contractors of new towns for every hundred families they introduce and establish in the state five sitios of grazing land and five labores, of which one-half at least shall be temporal land; but they shall receive only in the ratio of eight hundred families, although they shall introduce more, and no fraction not completing a hundred shall entitle them to a premium, not even proportionally. Should the northern frontier be settled, fifty families shall suffice for enjoying the benefit of this article.

ART. 16. To each family of those comprised in this contract, whose occupation is that of cultivating the soil, one labor shall be granted; should the family raise stock, grazing shall be added to complete a superficies of twenty-four million varas.

ART. 17. Foreigners shall have the same assignment after marrying, and foreigners marrying natives of the country shall have one-fourth more, and those who are entirely alone, or who do not form a part of any family, whether foreigners or natives, contenting themselves with one-fourth of said assignment, the sole portion that can be granted them, which shall be completed to them when their assignment is made.

ART. 18. Families and unmarried men, who having emigrated separately and at their own expense, should wish to annex themselves to any of the new settlements, may do so at any time, and their assignment of land shall be respectfully the same as mentioned in the two foregoing articles; but should they accomplish it within the first two years from the establishment of the settlement, one labor more shall be granted to families; and unmarried men, instead of one-fourth as pointed out in article 17th, shall have one-third. Men unmarried, and with a family shall be considered in the light of families.

ART. 19. For the project of new towns, which one or more foreigners offer to settle with families from one hundred upwards, or from fifty, should they have to settle on the northern frontier, the vacant and deserted lands of the state, proposition shall be made to congress by the executive, in order with his report to accord the contracts.

ART. 20. Adjudication and possession to new foreign settlers shall be subject to the following rules:—

*First.*—All deserted lands to which at the expiration of fifty days from the designation thereof for settling, the supposed owners do not appear to prove their right, shall be considered as open for colonization.

*Second*,—That, which, having been adjudicated by this law, should be abandoned for five years, and no successor appearing within said term claiming a right to the same.

*Third*,—That, which, having been disputed in adverse trial with regard to the ownership thereof, are found to be voluntarily abandoned by the parties for three years; or where the parties have withdrawn from the trial, without the formation of a determinate judgement deciding the right of either, provided, that the time specified by law for the trial to be considered as abandoned, shall expire.

*Fourth*,—The boundaries that are established shall be clearly and distinctly pointed out, expressing the bearings, and specific landmarks, under the responsibility of the judge of survey.

*Fifth*,—The standing waters the lands contain shall likewise be designated and adjudicated with the lands.

*Sixth*,—Until twelve years reckoned from the date of the publication of this law, they cannot be alienated or transferred to the ownership of any one not born in the republic, or who resides out of the state.

ART. 21. The children of foreigners not born in the republic, and domiciliated therein, may inherit them by testament, or *ab intestato*, in equal portions. The portion of him who removes to his country shall be divided among those who remain in the state, and thus indefinitely. In regard to this matter the right of inheritance by cross lineage shall not be in force.

ART. 22. All adjudication and possession of lands designated for settling shall be made with previous citation of the adjoining proprietors. As little detriment as practicable shall be occasioned to those who do not appear, of themselves or by attorney, and their complaints shall not be heard.

ART. 23. The new settlers shall pay to the state as an acknowledgment, thirty dollars for each sitio of grazing land, uncultivated, or woodland, that is adjudicated to them; and for those having the benefit of running water an estimate shall be made by two competent persons, chosen by the executive and the settler, setting out from the established rule.

ART. 24. The Ayuntamientos, each in its limits, shall collect said funds gratis by means of a commission from within or without their own body, and shall pass them according as they are collected to the depositary or treasurer that they may be of their funds or means, who shall give the corresponding receipt; and without further interest than two and a half per cent., that shall be paid him, he shall place them at the disposal of the executive, giving him notice every month of the receipts and remittances thereof, and of any negligence or deceit he may notice in their collection. Of the management of the treasurer and that of the commission, the officers themselves and commissioners shall be responsible with their property; and moreover, the members of the Ayuntamiento who choose them, and that this responsibility may at

all times be effectual, the said appointments shall be made *viva voce*, and notice thereof shall be immediately given to the executive.

ART. 25. The executive shall convoke those born in the republic for the occupation of vacant lands, who shall be preferred to foreigners in the order of the older date of the designations, and, in case of equality, the natives or inhabitants of the place to which the land designated belongs, shall have the first place, those of places within the state the second, and those of the other states of this republic the third, and adjudication may be made up to the amount of one hundred and twenty-five million square varas.

ART. 26. Designators of lands, which, in time of the ancient government did not perfect their adjudication, shall present themselves to the respective authority to continue its course according to the state thereof, effecting the same within the term of forty days from the date of the publication of this law, and on the contrary said lands shall be considered open to designation as vacant.

ART. 27. Designations that have passed to the congress of the state shall be returned to the executive, who shall cause them to be carried through the steps provided by this law.

ART. 28. Proprietors of extensive deserted and uncultivated lands shall likewise settle them with foreigners or Mexicans within the term of five years with the conditions that may suit them, and on the contrary, opposition to the designations made in conformity to this law shall not be taken into consideration.

ART. 29. The lands might be designated by reason of the foregoing article shall be valued by competent persons chosen by the executive and the proprietor, for indemnifying the proprietors, unimpeded by any resistance on the part of the latter.

ART. 30. All land of which the proprietor makes no use for himself shall be considered as deserted and uncultivated land.

ART. 31. Land acquired by virtue of this law cannot pass into mortmain; more than two grants cannot be adjudicated to one individual, and this should the increased number of those he removes demand it of necessity. For any violation in these cases the state shall recover the ownership thereof.

ART. 32. The products of rural industry of said lands, acquired in conformity to this law, by natives and foreigners, during the term of ten years, reckoned from the date of possession shall be free from every tax, direct or indirect, of whatever denomination, unless specially enacted by congress for said new settlements.

ART. 33. Said new settlers shall be free to promote every kind of industry, and to undertake the working of mines according to the ordinances on the subject. The machines, tools, or serviceable articles they introduce for such objects, for the term of ten years shall not pay taxes imposed by the state, although they be municipal.

ART. 34. Lots abandoned in depopulated towns, wherein they wish to fix their residence, shall be adjudicated to them gratis by the Alcaldes of said towns.

ART. 35. The inhabitants of the country known by the denomination of Indians, shall enjoy the benefit of this law.

ART. 36. The executive shall appoint two approval surveyors, and in default thereof two individuals of known education to concur in the operations forwarded by this law, which he shall cause to be published in a manner sufficient for it to arrive to the notice of nations that interest themselves in colonizing.

NATURALIZATION LAW  
OF THE  
GENERAL CONGRESS.

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PRINCIPAL OFFICE OF SECRETARY OF STATE, }  
*Department of Internal Relations.* }

SOLE SECTION.

*His Excellency, the President of the United States of Mexico, has been pleased to direct me the following Decree.*

The President of the United States of Mexico to the inhabitants of the Republic; be it known: that the General Congress has decreed as follows:—

ARTICLE 1. Every foreigner, who has resided for the term of two years in succession within the limits of the republic, may request a certificate of naturalization in conformity to what is prescribed in this law.

ART. 2. For obtaining it, he must produce legal information to the district or circuit judge nearest the place of his residence, with citation and audience of the promoter fiscal:

*First*,—That he is a Roman Catholic, or the certificate of baptism proving the same.

*Second*,—That he has some business, useful skill or income whereby to subsist; the witnesses being required to state what is his business, skill or income.

*Third*,—That he has a good character.

ART. 3. Every person becoming naturalized shall present himself by writing, one year beforehand, to the Ayuntamiento of the place in which he resides, manifesting his design in establishing himself in

the country. An attested copy of said declaration shall accompany the documents mentioned in the foregoing article.

ART. 4. He shall present himself with these documents to the governor of the state, or principal political chief of the federal district or territories of the confederacy requesting the certificate of naturalization.

ART. 5. The exposition wherewith he requests his certificate of naturalization:—

*First*,—Shall contain an express renunciation of all submission and obedience to any other nation or foreign government, especially the nation or government to which he belongs.

*Second*,—It shall be therein stated, that he likewise renounces every title, token of honor, or grace he may have obtained from any government.

*Third*,—That he will support the constitution, constitutive act and general laws of the United States of Mexico.

ART. 6. These conditions having been complied with, the governor of the state, or principal political chief of the district or territory shall issue the certificate of naturalization agreeably to the formula annexed to this law.

ART. 7. Absence to foreign countries with a passport from the government shall not interrupt the successive residence of those who desire to become naturalized; provided, that it does not exceed eight months.

ART. 8. The wife, and the children when they are not free, shall be considered naturalized in the person of the husband.

ART. 9. The children of Mexican citizens, born out of the territory of the republic shall be considered as born therein.

ART. 10. The right of naturalization shall not descend to the children of those, who have never resided within the Mexican territory.

ART. 11. The children of foreigners not naturalized born in the Mexican territory may obtain the certificate of naturalization; provided, that within the year following, their becoming free they present themselves to the governor of the state, district or territory wherein they wish to reside.

ART. 12. Naturalization in a foreign country, and admission of office, commission, income, or token of honor, from another government shall deprive one of the rights of naturalization.

ART. 13. Every empresario, who comes with the view of colonizing, and effects it in accordance with the general law, and private law of the respective state, shall have a right to request a certificate of naturalization, which shall be granted him making oath of due obedience to the constitution and laws.

ART. 14. Foreigners who come to settle upon colonizable lands shall be considered naturalized after the expiration of one year from their establishment.

ART. 15. Foreigners, who, being in the marine service as soldiers, sailors, or enrolled therein, declare to the political authority nearest the place of their residence that they wish to become naturalized, making oath before said authority to support the constitution, constitutive act, and general laws, and that they renounce all submission and obedience to any other dominion or foreign government, and also, every title, token of honor or grace that is not of the republic of Mexico.

ART. 16. The authorities to whom those foreigners mentioned in the foregoing article present themselves, shall forward to the governors of the respective states semi-annually an exact list, comprising the names, places, of nativity, age, and married or single state of the persons, who by virtue of said article should have become naturalized.

ART. 17. Certificates of naturalization shall not be granted to the subjects, or citizens of a nation at war with the United States of Mexico.

ART. 18. Those who have presented themselves to the general government up to the 1st of March, 1826, requesting to become naturalized, shall be considered to have employed the time required, complying with the other conditions prescribed by this law.

ART. 19. Every year in December, the governors of the states, district, or territory, shall transmit to the president of the republic a statement, expressing the names, places of birth, skill or business, and age of the persons to whom certificates of naturalization should have been granted. A register of all the same shall be kept in the office of the Secretary of internal relations, and in the archives of the respective governors.

ART. 20. Every year, on the first month of ordinary session, the secretary of internal relations shall transmit to both houses expressly, separate from the report, a note stating all that should be expressed in the reports he should have received from the governors in accordance with the preceding article, noticing at the conclusion thereof the faults he might observe on the part of the said governors, or others to whom it belongs, in conformity to this law.

FRANCISCO ANICETO PALACIOS,

President of the Senate.

CASIMIRO LICEAGA,

President of the House of Representatives.

MIGUEL DUQUE de ESTRADA,

Secretary of the Senate.

JOSE PEREZ de PALACIOS,

Secretary of the House of Representatives.

FORM

FOR GRANTING CERTIFICATES OF NATURALIZATION.

*N. N. Governor of N. or Political Chief of N.*

N. a native of N. having complied with the requisites and conditions, provided, by the law of \_\_\_\_\_ of \_\_\_\_\_ of the general congress regulating the manner in which the certificate of naturalization should be granted to foreigners, and accompanying the documents that prove the same, by virtue of the authority conferred upon me by the said law, I do by these presents declare the aforesaid N naturalized in the United States of Mexico.

(Date, place, and signature of the governor and his secretary.—*Two rubrics.*)

Wherefore, I order it to be printed, published, circulated and duly fulfilled.

Capitol at Mexico, on the 14th day of April, 1828.

GUADALUPE VICTORIA.

To Don Juan de Dios Cañedo.

And I hereby communicate the same to you for your information, and the consequent effects.

God and Liberty. Mexico, April 14th, 1828.

CANEDO.



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TO THE

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## CONSTITUTION.

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## ERRATA IN THE ENGLISH.

---

PAGE.	ART.		read
13	13	“ only: the.....	“ only the
44	2	“ Councils.....	“ Council
105	1	“ impediments.....	“ impediment
111	1	“ article 143.....	“ articles 142 & 143
119	7	“ him.....	“ them
126	7	“ occupation, find.....	“ occupation and find
131	10	“ contractro.....	“ contractor
135	1	“ widows.....	“ widowers
139	6	“ general Commandants.....	“ general commandants
154	5	“ tusks.....	“ tasks
161	5	“ Gomer.....	“ Gomez
195	De. 192	“ The years.....	“ Three years
244	1	“ capitol.....	“ capital
246	11	“ power.....	“ powers
253	1	“ of private.....	“ to private
289	1	“ dangerous for.....	“ dangerous; for
302	1	“ literal states.....	“ littoral states
302	1	“ exclusive.....	“ exclusively.

## OMISSIONS AND CORRECTIONS.

---

PAGE.	ART.	
		Merit the approbation of the executive of the Union, to whom for that object he shall transmit all petitions, accompanied by a report, whether the petitioners be Mexicans or foreigners.
17	12	of which at least one half shall be temporal land.
17	14	receive solely of the said grazing land a superficies.
18	17	said executive always bearing in mind.
18	15	families, whether foreigners or natives, contenting.
19	24	The Spanish of the last part of the article corrected.
		El precio de cada sitio, supuesta la condicion anterior, sera el de cien pesos, si la tierra fuere de agostadero, ciento cinquenta, si fuere de temporal, y doscientos cinquenta, si fuere de regadillo. Translated thus.—Allowing the aforesaid condition, the price of each sitio shall be one hundred dollars, should the land be grazing land, one hundred and fifty should it be temporal, and two hundred and fifty should it be irrigable.
20	32	industry of the new settlers pay.
71	10	irrigable or temporal.
72	17	valued by competent persons according to the locality and sold.
147	12	are hereby favored with a part of the taxes corresponding to the state revenue.
95	2	The post of Rio Grande.
158	3	support also two.
189	5	born, and not enjoying any special immunity, to act.
190	10	from each canal that can.
220	1	add,—Previous arrangements in opposition to the present are hereby repealed.
221	1	of the frontier of the state.
		add at the close of the same article,—From the Valle de Santa Rosa to the interior shall be considered frontier.
241	6	shall by testament dispose.
284	3	add,—The garrison of Monclova is hereby excepted from this provision.
302	3	Article 7th of the general law of the 18th of August, and has compared it with article 2 of the law of the 25th of April last, and does not find.
310	4	two thousand five hundred dollars, and one thousand five hundred.
211	6	per annum.
312	2	he avails himself.
317	34	seven thousand.
318	44	add,—During session the deputies shall not be subject to civil suit, or execution in case of debt.
244	2	Decree No. 268, add,—the secretary of state shall receive a salary of two thousand five hundred dollars per annum.
345	19	depopulated towns.

## INADVERTENCE IN THE ORIGINAL.

Page 20, Article 28, Caso los *derechos*. (see page 193, article 31.)



# PROCEEDINGS

OF THE

# GENERAL CONVENTION

OF

DELEGATES REPRESENTING THE CITIZENS AND  
INHABITANTS OF TEXAS:

HELD AT THE

TOWN OF SAN FELIPE, IN AUSTIN'S COLONY, THE FIRST  
WEEK OF OCTOBER, ONE THOUSAND EIGHT  
HUNDRED AND THIRTY-TWO.

"The public functionaries of the State, of whatever class they may be, shall at the time of entering upon their offices, take the oath to serve, sustain, and defend the Constitutional Act, the general Constitution, and that of the State, and to discharge faithfully and completely the duties of their offices."

"The observance of the Constitution in all its parts, is one of the most sacred obligations of the inhabitants of the State of Coahuila and Texas, and no one can be absolved from it—neither the Congress nor any other authority."—State Constitution.

In a Republic, the PEOPLE are the true conservators of the Constitution.

BRAZORIA, TEXAS.

1832



## INTRODUCTION AND PREPARATORY NOTE.

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A DEVOTION to written Constitutions, and a strict adherence to their literal interpretation, has been one of the most distinguishing political characteristics of all Anglo-Americans. Under the influence of this sentiment, the Colonies of Texas, composed principally of emigrants from "THE UNITED STATES OF AMERICA," were—by repeated violations of their chartered rights, experienced in the bosom of their immediate society; as well as a general disregard of the Constitution, by the agents of the Federal Government—naturally driven to unite in defence of that sacred Instrument; and to second the efforts of the patriotic projectors of THE PLAN OF VERA CRUZ, so far at least, as to extirpate, within the limits of their community, every unlawful obstacle to their enjoyment, and to establish the security of their imprescriptable rights. The people having taken up arms and effected this, the heads of the chief political authorities of Austin's Colony, published the following ADDRESS

### *TO THE PEOPLE OF TEXAS:—*

The Civil Wars, and infractions of the Constitution, which have unfortunately deranged the administration of government, in all its departments, throughout the Whole Mexican Republic, since December, 1828, have extended their influence to Texas, and the people, in different parts of the country, have been compelled to resort to such measures as their situation would permit, to restore the Constitution, and the authority of the State of Coahuila and Texas, to their proper force and vigor. These measures have heretofore been adopted by the inhabitants of each District, without any general concert: thus exposing Texas to the danger of confusion, which might materially affect the public tranquillity.

The late occurrences have been grossly misrepresented by the enemies of Texas, and efforts have been made, and are continually making, to prejudice our fellow-citizens, in other parts of the Mexican Republic, against the people of Texas, by circulating reports that the object of the late events was to declare this country independent of Mexico, which is absolutely false and without any foundation in truth.

The Indians have commenced depredations on the frontiers of the Rivers *Brazos, Colorado, Guadalupe, and San Antonio*; and the scattered situation of the settlements, imperiously requires that some measures should be adopted for their security.

There are, indeed, many subjects, connected with the welfare of Texas, which ought to be laid before the Constitutional Authorities of the Mexican Nation: and these considerations of safety to ourselves, respect for the character of the people of Texas, the motives which have influenced them, and the sanctity of the cause of the Constitution, as proclaimed in Vera Cruz, which we have espoused, have induced the Civil Authorities of the

Municipality of Austin, to recommend that the people of Texas should be consulted at this important crisis; which may be done by the election of Delegates.

It is therefore recommended, that the people of each Town, Precinct, and Civil District in Texas, elect Five Delegates, to meet at the Town of San Felipe de Austin, on the 1st Monday in October next; and that the Civil Authorities order an election, in their respective Districts accordingly, with as little delay as possible.

*San Felipe de Austin, 22d August, 1832.*

(Signed)

HORATIO CHRIESMAN, 1st *Alcalde*.

(Signed)

JOHN AUSTIN, 2d *Alcalde*.

Accordingly, Delegates were elected, who convened at San Felipe on the day appointed, and continued their sitting during the week.

The Department was very generally represented, but owing to the shortness of the notice given, the Convention was not so full as it otherwise would have been. The members from Goliad, did not arrive until after the sitting was concluded; but they warmly approbated all that had been done, and especially the objects of the Memorial and petition to the General Government, in relation to the impolitic *Law of the 6th of April*, and the separation from Coahuila. These members determined to remain at San Felipe some days, to see if San Antonio would not send representatives also, with which delegation, (should there have been one) they wished to unite in declaring their concurrence in the measures adopted by the Convention; and also, to appoint a co-delegate to participate in the been done, and especially the objects of the Memorial and Petition to the Government. Members from San Antonio, however, did not arrive; and what was intended to be done in conjunction with that representation, was performed by the Delegation from Goliad, on their part, to the full extent of their Commission. A meeting of the Central Standing Committee, was held for the purpose of communicating with them; when they formally attached their concurrence to the measures adopted by the Convention, and chose DON RAFAEL MANCHOLA, as co-delegate, to accompany the Missions to the General and State Governments.

The proceedings of the Convention will be found in the highest degree interesting, to every one who feels any solicitude for the character and prosperity of the country. Such, have the greatest reason to rejoice at the present progressive course of events, which must inevitably lead to the disenfranchisement of Texas, and place its advancement upon the desirable and fair basis of its unquestionable preeminence in soil, climate, and every thing which attracts capital and rewards industry.

We are proud to be able to say, that we never witnessed in any deliberative body, a more commendable spirit of compromise, and a greater degree of union and harmony in feeling and design, than were displayed thro the whole sitting of the Convention. Whatever differences of sentiment and opinion were evinced during the discussion and consideration of the various subjects which were acted upon, they were happily assimilated without heat, and the Convention may truly be said, to have dissolved, with one feeling—one wish—and one united resolve.

# PROCEEDINGS OF THE CONVENTION OF TEXAS

---

IN compliance with an official request, and public notice to the authorities, and inhabitants of Texas, issued by the First and Second Alcaldes, of the Municipality of Austin, the following Members, representing the different Districts of Texas, met in General Convention, at San Felipe de Austin, on Monday, the 1st day of October, 1832.

FROM THE DISTRICT OF SAN FELIPE DE AUSTIN:

Stephen F. Austin, Wyly Martin, Francis W. Johnson, Luke Lesassier.

FROM THE DISTRICT OF VICTORIA:

George B. McKinstry, William H. Wharton, John Austin, Charles D. Sayre.

FROM THE DISTRICT OF MINA:

Ira Ingram, Silas Dinsmore, Eli Mercer.

FROM THE DISTRICT OF HIDALGO:

Nestor Clay, Alexander Thompson.

FROM THE DISTRICT OF SAN JACINTO:

Archibald B. Dobson, George F. Richardson, Robert Wilson.

FROM THE DISTRICT OF VIESCA:

Jared E. Groce, William Robinson, Joshua Hadly.

FROM THE DISTRICT OF ALFRED:

Samuel Bruff, David Wright, William D. Lacy, William R. Hensley, Jesse Burnham.

FROM THE DISTRICT OF LABACA:

William Menifee, James Kerr, George Sutherland, Hugh McGuffin, Joseph K. Looney.

## FROM THE DISTRICT OF GONZALES:

Henry S. Brown, C. Stinnett.

## FROM THE DISTRICT OF MILL CREEK:

John Connell, Samuel C. Douglass.

## FROM THE DISTRICT OF NACOGDOCHES:

Charles S. Taylor, Thomas Hastings.

## FROM THE DISTRICT OF AYISH BAYOU:

Philip Sublett, Donald McDonald, William McFarland, Wyatt Hanks, Jacob Garret.

## FROM THE DISTRICT OF SNOW RIVER:

Thomas D. Beauchamp, Elijah Isaacs, Samuel Looney, James Looney.

## FROM THE DISTRICT OF SABINE:

Benjamin Holt, Absalom Hier, Jesse Parker.

## FROM THE DISTRICT OF TENNEHAW:

William English, Frederick Foye, George Butler, John M. Bradly, Jonas Harrison.

## FROM THE DISTRICT OF LIBERTY:

Patrick C. Jack, Claiburn West, James Morgan.

The Convention was called to order by JOHN AUSTIN, Esq. 2nd Alcalde, and addressed, in the name of the First and Second Alcaldes, as follows:

*Gentlemen of the Convention:*—The invitation for the Convention having been made by the Alcaldes of this Municipality—it may perhaps be expected that we should present to the Convention, the reasons which influenced us to make such a request.

*THE REASONS ARE THESE :*

1st. The Revolution which commenced at Vera Cruz, on the 2d January last, under the command of Gen. Santa Ana, reached this remote section of the Nation, and movements of a warlike character have taken place—the consequence of which has been, that the Military Garrisons have all been compelled to quit the Country. These movements have been greatly misrepresented by the enemies of Texas, and have been attributed to objects entirely different from the true ones. It was, there-

fore, considered to be highly important to the interest of Texas, and of the Nation, to counteract these misrepresentations, by a plain statement of facts; and that a decided declaration should be made by the people of Texas, convened in General Convention, of our firm and unshaken adhesion to the Mexican Confederation and Constitution, and our readiness to do our duty as Mexican Citizens.

2d. The 11th article of the Law of the 6th of April, 1830, which prohibits natives of the United States of the North, from emigrating to these Colonies, has entirely paralyzed the advancement and prosperity of Texas, and exposed it to be filled with a bad and useless population. That Law also severs families and friends, by preventing a removal to this country of many who remain behind in the United States, and for whose reception in this country, preparations had been made by their relatives and friends, who came out as pioneers for that purpose. This point was deemed by the Alcaldes, to be one of sufficient importance to be noticed in a Memorial to the Government, by a Convention of Texas, praying for a repeal, or modification of that article.

3d. The Land Business to the East of Austin's Colony, still remains in a very unsettled and uncertain state, and the Alcaldes were also of opinion that this was a subject which ought to be represented to the General Government.

4th. The Tariff, as now established, operates very injuriously against the agriculture and advancement of the infant settlements of Texas; and the Alcaldes were of opinion, that it would be proper for the Convention to represent this matter, and respectfully petition for a reduction of the duties on such articles as could not be easily transported into the interior as contraband, and are of indispensable necessity to the farmers of Texas. These four topics embrace all that the Alcaldes had in view, at the time of making the request for this Convention. It is considered by us, that it is the duty of the people of Texas, to lay their situation before the General Government, in order that such Legislative aid may be afforded us, as the general good of the Nation, and of Texas, may require; and to accompany it with a firm declaration of our unshaken allegiance to the Mexican Constitution and Nation. All which is respectfully submitted for the consideration of the Convention.

Several persons were then nominated for President and Secretary; and on motion, it was ordered, that the Convention be adjourned until 3 o'clock, P. M., and then enter upon the election of Officers.

The Convention met agreeably to adjournment, and proceeded to the election of a President and Secretary, by ballot:

THE VOTES STOOD—

FOR PRESIDENT,		FOR SECRETARY,	
S. F. Austin,	31 votes	F. W. Johnson,	34 votes
W. H. Wharton,	15 "	C. D. Taylor,	11 "

So S. F. Austin was elected President, and F. W. Johnson, Secretary.

S. F. Austin, was then conducted to the Chair, and returning his thanks to the House, he made a short address relative to the objects of the Convention; which were, he said, to exercise the Constitutional right of representing to the Government, the situation of the people of Texas, and to

ask for such Legislative aid as the Convention might deem necessary, and especially to petition for a repeal of the 11th article of the Law of the 6th of April, 1830, which totally paralyzes the improvement of Texas, by embarrassing the emigration to it of natives of the United States of the North: to ask for a modification of the Tariff, and an adjustment of the land business to the East of the River San Jacinto: and to represent the defects in the local Government, and administration of justice in Texas, as now organized.

On motion of Mr. Bruff, it was ordered, that a committee be immediately appointed for the purpose of drafting Rules and Regulations for the Government of this Convention.

In lieu thereof, the Rules of the Senate of the State of Missouri, were proposed, and adopted, so far as applicable to the proceedings of the Convention.

On motion of Mr. Lesassier, it was resolved, that a committee of five persons be appointed to draft a Memorial to the Federal Government, praying the repeal of the 11th article of the Law of the 6th of April, 1830—and also to set forth to the Government, the toils, and difficulties, and dangers encountered by the Colonists in the early settlement of Texas:—and their respect for, and attachment to, the Constitution and Laws of the Republic—and report to the Convention in a reasonable time.

Whereupon, the following persons were appointed to compose said committee:

Luke Lesassier, William H. Wharton, Jonas Harison, Geo. Sutherland, P. C. Jack.

At the request of the mover, W. H. Wharton was appointed chairman of said committee.

On motion of Mr. Lesassier, it was resolved, that a committee of five be appointed to draft a petition to the Federal Government, praying a reduction of duties on articles, of the first necessity, imported into Texas—and also, that the committee make such an exposition as will prove to the Government, as far as practicable, that the reduction of duties would increase the revenue of the country.

Whereupon, the following persons were appointed to form said committee:

Charles D. Sayre, James Morgan, Jared E. Groce, Charles S. Taylor, J. K. Looney.

On motion, George B. McKinstry, and John Austin were added.

At the request of the mover, Mr. Sayre was appointed chairman of said committee.

On motion, the Convention adjourned until Tuesday, 9 o'clock, A. M.

TUESDAY, October 2.

The Convention met agreeably to adjournment.

On motion of Mr. Harison, it was resolved, that a committee of ten be appointed, to take into consideration the situation of the land business to the East of San Jacinto; and report to this Convention, such memorial or memorials, to the State, or General Government, or to both, as the committee deem necessary.

Whereupon, the following persons were appointed to compose said committee:

Jonas Harison, William McFarland, William English, Philip Sublett, Jacob Garrett, Charles S. Taylor, Benjamin Holt, Wyatt Hanks, Frederick Foye, Elijah Isaacs.

On motion, P. C. Jack, and James Morgan were added.

On motion of Mr. Hensley, it was resolved, that five members be appointed a committee, to inquire into the Indian affairs of Texas; and fix on some plan for the protection of the frontiers.

Whereupon, the following persons were appointed to form said committee:

William R. Hensley, Samuel Looney, Nestor Clay, C. Stinnett, Jesse Burnham.

On motion of John Austin, it was resolved, that a committee of five be appointed, to report the best mode to regulate the Custom-House affairs in Texas, until said offices are filled, and regulated by the General Government—and also to report that the Tariff be observed, until the Government shall direct the reorganization of the Custom-House Establishment.

Whereupon, the following persons were appointed to compose that committee:

John Austin, Nestor Clay, William McFarland, Wyly Martin, George Sutherland.

On motion of Mr. Lesassier, it was resolved, that a committee of five be appointed to petition the State Government for a donation of land to Texas; for the purpose of creating a School Fund, to provide for the future establishment of Primary Schools—and report to this Convention in a reasonable time.

Whereupon, the following persons were appointed to form said committee:

Luke Lesassier, William McFarland, William Menifee, Samuel Bruff, Thomas Hastings.

Mr. Dinsmore introduced a resolution, to take into consideration the propriety of Texas' petitioning for a separate State Government—which was laid on the table.—Leave was obtained by Mr. Dinsmore to withdraw his resolution.

On motion, the Convention adjourned until Wednesday, 11 o'clock, A. M.

WEDNESDAY, October 3.

The Convention met agreeably to adjournment.

On motion of Mr. McFarland, it was resolved, that a committee, composed of two members from each district, be appointed, to report the expediency or in expediency of petitioning for a State Government; and that they be authorized to report such petition, or otherwise.

On motion of Mr. Clay, the Yeas and Nays were called for, on the foregoing resolution.

## YEAS.

F. W. Johnson,  
 L. Lesassier,  
 G. B. McKinstry,  
 William H. Wharton,  
 Charles S. Taylor,  
 Ira Ingram,  
 Silas Dinsmore,  
 Eli Mercer,  
 Robert Wilson,  
 Joshua Hadly,  
 Samuel Bruff,  
 William Menifee,  
 James Kerr,  
 Hugh McGuffin,  
 J. K. Looney,  
 Thomas Hastings,  
 Hyman Hantz,  
 Philip Sublett,

D. McDonald,  
 William McFarland,  
 Wyatt Hanks,  
 Thomas D. Beauchamp,  
 Elijah Isaacs,  
 Samuel Looney,  
 Benjamin Holt,  
 A. Hier,  
 Jesse Parker,  
 William English,  
 Frederick Foye,  
 John M. Bradley,  
 Claibourn West,  
 James Morgan,  
 H. S. Brown,  
 C. Stinnett,  
 John Connell,  
 Samuel C. Douglass.

## NAYS.

Wyly Martin,  
 John Austin,  
 Nestor Clay,  
 Alexander Thompson,  
 A. B. Dobson,  
 George Sutherland,  
 Yeas, 36—Nays, 12.

George F. Richardson,  
 Jared E. Groce,  
 William Robinson,  
 W. R. Hensley,  
 Jesse Burnham,  
 George Butler.

Whereupon, the following persons were appointed to compose said committee:

*From the District of San Felipe de Austin:*—Wyly Martin, Luke Lesassier.

*From the District of Victoria:*—W. H. Wharton, John Austin.

*From the District of Mina:*—Silas Dinsmore, Eli Mercer.

*From the District of Hidalgo:*—Nestor Clay, A. Thompson.

*From the District of San Jacinto:*—A. B. Dobson, George F. Richardson.

*From the District of Viesca:*—J. E. Groce, Wm. Robinson.

*From the District of Alfred:*—W. R. Hensley, J. Burnham.

*From the District of Labaca:*—W. Menifee, G. Sutherland.

*From the District of Nacogdoches:*—C. S. Taylor, H. Hantz.

*From the District of Ayish-Bayou:*—William McFarland, W. Hanks.

*From the District of Snow-River:*—E. Isaacs, S. Looney.

*From the District of Sabine:*—B. Holt, A. Hier.

*From the District of Tennehaw:*—G. Butler, J. M. Bradley.

*From the District of Liberty:*—C. West, James Morgan.

*From the District of Gonzales:*—H. S. Brown, C. Stinnett.

*From the District of Mill-Creek:*—J. Connell, S. C. Douglass.

On motion of Mr. McFarland, it was resolved, that a committee of seven members be appointed, to recommend some uniform mode of organizing the militia of Texas.

Whereupon, the following persons were appointed to compose said committee:

William McFarland, W. Hanks, N. Clay, J. E. Groce, J. Austin, George Sutherland.—On motion, F. W. Johnson; and J. K. Looney were added to said committee.

On motion of Mr. Beauchamp, it was resolved, that a committee of five members be appointed, to petition to the State Government to pass a law authorizing the people of Texas (whose native language is English) to have all their transactions, and obligations, written in the English language, except those which have an immediate connection with Government.

Whereupon, the following were appointed to compose said committee:

Thomas D. Beauchamp, Jared E. Groce, James Kerr, C. S. Taylor, Ira Ingram.

On motion of Mr. Taylor, it was resolved, that a committee of five be appointed to memorialize the State Government, on the subject of lands granted to, and petitioned for, by the North American tribes of Indians—so as to remove much anxiety evinced by them, which is founded on misrepresentation.

Whereupon, the following members were appointed to form said committee:

Charles S. Taylor, W. McFarland, Jonas Harison, Wyly Martin, John Austin.—On motion, P. Sublett, J. M. Bradly, and W. Hanks were added.

On motion of Mr. Beauchamp, the Convention adjourned until 3 o'clock P. M.

The Convention met agreeably to adjournment.

Mr. Groce, Chairman of the committee to whom was referred the resolution on the Tariff, reported the following petition.

*To the General Congress of the United Mexican States:*

The inhabitants of Texas, assembled in general Convention, by means of delegates, at the town of San Felipe de Austin, respectfully represent, that the duties on articles of the first necessity to the inhabitants, which are not, and cannot be, manufactured in Texas, for several years to come, are so high as to be equivalent to a total prohibition: that many other articles which are prohibited by the Tariff, are of the first necessity to the settlers of Texas; and as the people, in this section of the Republic, are yet almost without resources, and are generally farmers who make their support by cultivating the land, and have no manufacturing establishments yet erected within the limits of Texas—they respectfully petition the General Government, to grant for three years, the privilege of of introducing free of duty, such articles as are indispensable to the prosperity of Texas; among which, this Convention beg leave to enumerate the following, viz: Provisions, Iron & Steel, Machinery, Farming Utensils, Tools of the various Mechanic Arts, Hardware & Hollow-ware, Nails, Waggons and Carts, Cotton Bagging and Bale Rope, coarse Cotton Goods and Clothing, Shoes & Hats, Household & Kitchen Furniture, Tobacco for

chewing in small quantities, Powder, Lead & Shot, Medicines, Books & Stationary.—The foregoing articles include the principal imports made use of, and wanted by the inhabitants of Texas; many of them are prohibited, and on those which are allowed to be introduced, the duties are so high that they amount to a prohibition. The trade to Texas is small, and the resources limited, but if fostered by a liberal policy on the part of the general Government, it will, in a few years, yield a revenue of no small importance.

(Signed)

J. E. GROCE, Chairman.

Which, after being read, was laid on the table.

On motion of Mr. Dinsmore, it was ordered that the report of the committee on the Tariff be taken up and acted upon by the Convention.

Mr. Dinsmore then moved to amend the report by substituting the word money for that of resources; so as to read—are yet almost without money.—Question submitted, and decided in the negative.

On motion of Mr. Lesassier, the report was adopted, without amendment.

Mr. Wharton, chairman of the committee on the repeal of the 11th. Article of the law of the 6th. of April 1830, reported a memorial to the National Congress, praying for a repeal of said article, which was unanimously adopted.

#### *To the Federal Congress of Mexico:*

Your memorialists, representatives of all the Anglo-Americans in Texas, in general Convention met, taking advantage of that sacred and republican privilege, of making known their wants and grievances, which is guaranteed to them by the Constitution of their adopted country, respectfully represent, that they have viewed, and still view, with sentiments of the deepest regret and mortification, the passage and the present existence of the 11th Article of the law of the 6th. of April 1830. This law is obnoxious to your memorialists, for many reasons. Independent of its withering influence on all the hopes of Texas, it implies a suspicion of our fidelity to the Mexican Constitution. Such suspicion we humbly conceive to be utterly unwarranted; and we will endeavor to prove it so, by taking a re-view of our conduct from the passage of the first Colonization law up to the present period.

In the year 1823, the Congress of the Mexican Nation invited the citizens of the United States of the North to become inhabitants of Texas, giving to each family one setio of land for so doing. This donation of land, sounds largely at a distance. Considering, however, the difficulties with which the taking possession of it was environed, it will not be thought so magnificent a bounty, nor so entire a gratuity. Had these lands have been previously pioneered by the enterprize of the government, and freed from the insecurities which beset a wilderness trod only by savages; had they have been in the heart of of an inhabited region, and accessible to the comforts and necessities of life; had the government have been deriving an actual revenue from them; could it have realized a capital from the sale of them, then we admit that the donation would have been unexampled in the history of national liberty. But how different from all this, was the real state of the case? The lands in question,

were situated in a wilderness of which the Government had never taken possession.—They were not sufficiently explored to obtain that knowledge of their character and situation, which would be necessary to a sale of them. They were in the occupancy of savages. They were shut out from all commercial intercourse with the world, and inaccessible to the commonest comforts of life; nor were they brought into possession and cultivation, without much toil and privation, and patience and enterprize, and loss of lives from Indian hostilities and other causes. Under the smiles of a beneficent Heaven, however, the untiring perseverance of the immigrants, in a great degree, triumphed over all natural obstacles; it reduced the forest into cultivation, made the desert smile, established commercial intercourse with the rest of the world, and expelled the savages, by whom the country was infested.

From this, it must appear that the lands of Texas, although nominally given, were in fact really, and dearly bought.—It may here be premised, that a gift of lands by a nation to foreigners, on condition of their becoming citizens, is immensely different from a gift, or sale, from one individual to another.—In the case of individuals, the donor, or seller, loses all further claims upon the lands parted with. But in this case, the Government only gave wild lands that they might be redeemed from a state of nature, that the obstacles to a first settlement might be overcome, and that they might be placed in a situation to augment the physical strength, and the power, and the revenue of the nation.—Is it not obvious, that Mexico now holds the same jurisdiction over the Colonized lands of Texas, that all nations hold over nineteen-twentieths of their Territory?—For the first six or seven years after the commencement of our settlements in Texas, we gratefully admit, that our enterprize was animated, and our hardships alleviated, by the kindness and liberality of the Mexican Government. We insist, however, that this beneficent disposition of the Government, was followed by gratitude, and loyalty on our part.

The only portion of our conduct, during this period, that could be tortured into any thing like disloyalty, was the Fredonian disturbance, at Nacogdoches, in 1826. And when it is considered by whom these disturbances were originated, and by whom quieted, instead of exciting the suspicion of Government, we respectfully conceive that, that transaction should have confirmed its confidence in our patriotism.

The disturbance alluded to, originated with some fifteen or twenty infatuated individuals. The great mass of the settlers, were opposed to their mad design, which they testified by capturing the conspirators, and putting them in custody, before the arrival of a single Mexican soldier.

Was there any thing in this calculated to awaken the suspicions of Government?

Bad and desperate men, there will always be found, in every community. There will always likewise be, a portion capable of being easily misled; and is it not really a matter of astonishment, that in this instance, the bad, the desperate, the dissatisfied, and the misguided, were limited to so insignificant a number?

Excepting this disturbance, which was opposed by ninety-nine hundredths of the settlers, and which was quieted by their zeal and patriotism, we repeat it, that up to the passage of the Law of the 6th of April, 1830, our conduct was orderly and patriotic.

The passage of this law, was a mortifying and melancholy occurrence for Texas. It was mortifying to us, because it must have been founded on a suspicion that we were disposed to rebel: such suspicions did us great injustice—for we had uniformly exhibited strong proofs of our attachment to the Constitution.—It was a melancholy event for us, for it blasted all our hopes, and was enough to dishearten all our enterprize.

It was peculiarly mortifying, because it admitted into Texas all other nations, except our friends and countrymen of the United States of the North; except the fathers and brothers of many of us, for whom we had emigrated to prepare comforts and homes, and whose presence, to gladden our firesides, we were hourly anticipating. Yes! this law closed the door of emigration on the only sister Republic, worthy of the name, which Mexico can boast of, in this New World. It closed the door on a people, among whom, the knowledge and foundations of National Liberty, are more deeply laid, than among any other on the habitable Globe.—It closed the door upon a people who would have brought with them to Texas, those ideas of Republican Government, in which, from birth, they had been educated and practised.—In short, it closed the door upon a people who, generously and heroically, aided Mexico in her revolutionary struggle; and who were the first and foremost to recognize, and rejoice at the obtainment of her Independence.—Is it for a moment to be supposed, that the European parasites of power, to whom, now alone, the door of emigration is left open\*—that those who have been taught from infancy to disbelieve in the natural equality of mankind—who are unacquainted with Constitutions, even in name—who, politically speaking, have never been accustomed to think or legislate for themselves—who reverence the arm of Monarchical rule—who pay adulation at the feet of an hereditary nobility—and who have contemplated Republics, only in theory, and at a distance—is it, we repeat, to be supposed, that immigrants of this description, will contribute more to the advancement of liberty, and the welfare of the Republic, than emigrants from that land of liberal sentiments, that Cradle of Freedom, that Mother of Constitutional Heroes, the United States of the North? If such be the fact, habit and education must go for nothing, and all experience is set at naught, and contradicted.

Your memorialists having, as they trust, and respectfully conceive, shown to your Honorable Bodies, that their conduct, up to the passage of the Law of the 6th of April, was orderly and patriotic, will now turn your attention, to their conduct since that period.

This law was sufficient to goad us on to madness, in as much as it blasted all our hopes, and defeated all our calculations; in as much as it showed to us, that we were to remain scattered, and isolated, and unhappy tenants of the wilderness of Texas, compelled to gaze upon the resources of a lovely and fertile region, undeveloped for want of population, and cut off from the society of fathers and friends in the U. S. of the North—to prepare homes and comforts suited to whose age and infirmities, many of us had patiently submitted to every species of privation. But what was our conduct? As peaceful citizens, we submitted. The wheels of Government were not retarded in their operation by us.

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\*The mass of Europeans are here alluded to.—Many Republicans among them are brilliant exceptions to these remarks.

Not a voice, nor an arm was uplifted. We had confidence in the correct intentions of Government, and we believed and hoped, that when the momentary excitement of the day had subsided, a returning sense of justice and liberality, would give this obnoxious law, a brief duration. For more than two years we have remained in this peaceful—this un murmuring attitude. About this time, the heroic and patriotic Gen. Santa Ana arose, as the vindicator of Liberty and the Constitution. We had confidence in the purity of his motives. We believed that the evils which he battled to redress, were of an alarming and crying magnitude, of no less a magnitude, than an utter disregard of the Constitution, on the part of the vice-president and his ministers—with Gen. Santa Ana we united, as fellow labourers in the same sacred cause, preferring rather to perish in defence of the violated charter of our rights, than to live in acquiescence to acts of arbitrary and unconstitutional power. What we have done in this matter, is known to government and to the world. It was all in defence of rights, liberties and guaranties that were spurned and trampled upon.

Here, we would ask, what was there in all this, to induce a suspicion of our disloyalty to the Constitution? Was it our remaining quiet for more than two years after the passage of the Law of the 6th of April? Was it in declaring for the Constitution, and in hazarding all we held dear, in its defence? Would it not have been as easy to have taken advantage of the troubles of the interior, and to have declared, and battled for, independence? Was ever a time more opportune and inviting? Why did we not then declare for independence? Because, in the honest sincerity of our hearts, we assure you, and we call Almighty God to witness the truth of the assertion, that we did not then, that we do not now wish for independence. No! there is not an Anglo-American, in Texas, whose heart does not beat high for the prosperity of the Mexican Republic; who does not cordially and devoutly pray, that all parts of her territory will remain united to the end of time; and that she will steadily and rapidly advance, in arts, and in arms, and in agriculture, and in commerce, and in manufactures, and in learning, and in virtue, and in freedom, and in all that can add to the splendour and happiness of a great nation. As an evidence that we wished not for independence, nor for a coalescence with the United States of the North, your memorialists would respectfully refer your Honorable Bodies to the following fact:

A short time since, it was rumoured amongst us, that the President of the United States of the North, expressed a determination to make the Naches, instead of the Sabine river, the line between the two Republics.—This, hitherto unheard of claim, provoked the indignation of every inhabitant of Texas, and our constituents have, with one voice, called upon us to memorialize your Honorable Bodies, on the subject of the injustice of such a demand. May it please your Honorable Bodies, your memorialists trust that they have conclusively shown, that the whole tenor of their conduct has been characterized by good order and patriotism.

The destroying influence of the Law of the 6th of April, 1830, upon the prospects of Texas, has been only incidentally attended to—that effect of the law, being too obvious to require expatiation or argument. This law is, likewise, as injurious to the National Revenue at large, as to us individually: for it is evident that the greatness, the power, the wealth,

and the independence of a nation, depend upon a proper development of its resources. Can the resources of Texas be properly developed with this law hanging over it? We believe not. We believe under such circumstances, it would remain the comparative wilderness it now is.

Experience shows, that native Mexicans will not settle in it. But should they do so, it would nothing augment the physical force of the nation; for it would only be taking population from one part of the Republic, to place them in another. Will Europeans settle it? We believe Europeans, of the right description to benefit the country, will not—for thousands of reasons. Our hopes then, for a development of the resources of Texas, are naturally turned to the United States of the North: to a people who have been trained in the school of Republicanism; whose Constitutions are adapted to the climate, and who have been brought up to the cultivation of such articles as will always be the staples of Texas.—Against them, alone, however, the door is closed; which, we contend, is equally injurious to us, and to the National Revenue. Another point of view, in which the Law of the 6th of April is objectionable, and has been productive of numberless difficulties, is this: the garrisons with which all parts of Texas, have been lately crowded, must have grown out of this law, and have been sent here to enforce it. They could not have been sent here for our protection; for when they came, we were able to protect ourselves; and at the commencement of the settlements, when we were few, and weak, and scattered, and defenceless, not a garrison—no; not a soldier, came to our assistance. In the presence and vicinity of these garrisons, the Civil arm has generally been paralyzed and powerless; for many of the officers were law-despisers, who set the political authorities at defiance, brought them into contempt, and trespassed, in every respect, upon the rights and privileges of their fellow-citizens. When all of these things are considered, we cannot but believe, that the former characteristic justice and liberality of your Honorable Bodies, will return to our aid, and bring about an immediate repeal of this, to us, ever to be deprecated measure.

That justice, that liberality, we now most respectfully, and solemnly, and unanimsously, and confidently invoke.

(Signed)

W. H. WHARTON, Chairman.

On motion of Mr. Lesassier, the Convention adjourned until to-morrow, 11 o'clock, A. M.

THURSDAY, October 4.

The Convention met agreeably to adjournment.

W. D. C. Hall appeared and took his seat.

Mr. McFarland, Chairman of the committee on the expediency, or in-expediency of petitioning for a State Government, for Texas, made a Report; which was, on motion of Mr. Wharton, referred to a select committee of three, for revision.

Messrs. McFarland, Wharton and Lesassier, were appointed to compose said committee.—On motion of Mr. Clay, it was ordered, that S. F. Austin, Esq. be added to said committee.

Samuel Hoyt, a member from the district of Mina, appeared and took his seat.

On motion of Mr. Wharton, it was resolved, that the President recommend to the Convention, a suitable person as translator of its proceedings; and that the President supervise the translations, when made.

Whereupon, the President recommended Mr. ALEXANDER GREAVES, as translator, who was unanimously appointed by the Convention.

On motion, the Convention adjourned until Friday, 9 o'clock, A. M.

FRIDAY, October 5.

The Convention met agreeably to adjournment.

Mr. McFarland, chairman of the select committee, to whom was referred the memorial for the admission of Texas into the Union as a State, reported the memorial with an amendment; which was adopted, and is as follows:

*To the Sovereign General Congress of the Republic of Mexico:*

The inhabitants of all Texas, met in General Convention, at the Town of San Felipe de Austin, by means of delegates, for the purpose of making known their wants to the Government—most respectfully represent, that they desire the separation of Texas from Coahuila, believing such separation indispensable to their mutual happiness and prosperity; and that, ultimately, such division would produce the most happy results to the Mexican Republic.

Coahuila being so distant from the population of Texas, and so widely variant from it in interests—the rights and wants of the people of Texas, cannot be properly protected and provided for, under the present organization, admitting the several Departments of the Government of the State to be prompted by the utmost purity of intention, in their efforts for the administration of justice.

Coahuila and Texas, are dissimilar in soil, climate and productions, in common interests, and partly in population—the representatives of the former, are numerous, and those of the latter few—in consequence of which, any law passed peculiarly adapted for the benefit of Texas, has only to be the effect of a generous courtesy. Laws happily constructed for the benefit of Coahuila, and conducive to its best interests, might be ruinous to Texas—such are the conflicting interests of the two countries. For instance, the unconstitutional law, prohibiting any but native Mexicans from retailing merchandize—which extends to the exclusion of naturalized citizens, from any participation in that employment.

Another reason, which should interest the sympathies of the Republic, and enlist the aid of the Government, in favor of Texas, is its locality being adjoining the territory of a powerful nation, whose established policy towards the aborigines, has a tendency to flood Texas with Indian emigrants, of a character dangerous in the extreme. The wide extent of wilderness, forming a natural boundary between Texas and Coahuila, places an indispensable barrier in the way of Coahuila's extending the efficient means of defence she might wish. This circumstance alone, demands that all the energies of Texas should be embodied, to prevent that calamity which threatens this favoured country, and which, nothing short of a well regulated government of a free, unshackled, and independent State, can provide against.

For these reasons, and many others, which the General Congress will readily conceive, and in view of the decree of the 7th of May, 1824, allowing the people of Texas, so soon as their situation would permit to appear as a distinct state, to report to Congress for their resolution—also, in connection with the 11th section of the Federal Constitution, guaranteeing them a representative in Congress, whatever may be their population; and considering duly, the benefits that would result, both to Texas and to the nation, we entertain no doubts of the favorable reception of this petition.—The people of Texas, present the strongest assurances of their patriotic attachment to the Constitution, and to the Republic—pledging all and every interest in life, for the support of their declaration.

Therefore, they most respectfully petition, that that part of the Mexican Republic, known by the name of Texas, shall become a separate state of the Confederacy, to be placed upon an equal footing with any of the States of the Union.

(Signed)

W. McFARLAND, Chairman.

John Austin, chairman of the committee relative to the Custom-House Department, made their report.

Mr. Hensley moved the following amendment to said report; to add, after the words "general Tariff,"—taking from such officers bonds, with good and sufficient security, to pay over the money collected according to law. The amendment was received.

The report, as amended, was adopted, and read as follows:

*Report of the Committee on the subject of the Custom-House.*

The Committee is of opinion, that this Convention should not interfere with the Tariff regulated by the General Government; but recommend that officers be appointed at the several Ports—viz.—Matagorda, Brazoria, and Galvezton Bay, by the Alcalde of the respective Jurisdiction, to collect tonnage duty on foreign vessels, in accordance with the regulation of the general Tariff, taking such officer's bond, with good and sufficient security, to pay over the money according to law; and requiring them to make a report quarterly to the Alcalde of the Jurisdiction in which they reside. And that the method of ascertaining the tonnage of vessels which may enter the ports of Texas, shall be by showing the Registers of said vessels, to the officer directed to receive the dues.

(Signed)

JOHN AUSTIN, Chairman.

On motion of Mr. Harison, leave of absence was granted to Mr. Mercer, on account of extreme indisposition.

Mr. Lesassier, chairman of the committee to petition the State Government for a donation of land, as a School Fund, presented their report.

Mr. Bruff moved that the blank in said report be filled with twenty-five leagues.—Mr. Groce moved that it be filled with one hundred leagues; and Mr. Ingram that it be filled with one hundred and fifty.

Mr. Wharton moved that this report be laid on the table indefinitely; which was negatived—the yeas and nays were as follows:

YEAS.—Geo. B. McKinstry, William H. Wharton, John Austin, Charles D. Sayre, Ira Ingram, A. B. Dobson, George F. Richardson, Jared E. Groce, W. R. Hensley, James Kerr, J. K. Looney, Hyman Hartz,

Thomas D. Beauchamp, Samuel Looney, A. Hier, George Butler, John Connell—17.

NAYS—Wyly Martin, F. W. Johnson, L. Lesassier, Silas Dinsmore, Samuel Hoyt, Alexander Thompson, Robert Wilson, William Robinson, Joshua Hadly, Samuel Bruff, Jesse Burnham, William Menifee, George Sutherland, Hugh McGuffin, Charles S. Taylor, Thomas Hastings, Philip Sublett, D. McDonald, W. McFarland, Wyatt Hanks, Jacob Garret, Elijah Isaacs, Benjamin Holt, Jesse Parker, William English, Frederick Foye, John M. Bradley, Jonas Harison, Patrick C. Jack, Claiborne West, James Morgan, H. S. Brown, C. Stinnett, Samuel C. Douglass—34.

The several motions to fill the blank were withdrawn by the movers: and, on motion of Mr. Wharton, it was ordered that said blank be filled, by asking the Government to make such a donation as it may think proper.

The President called Mr. Lesassier to the chair, and retired on account of indisposition.

The report of the committee for a donation of land was adopted as amended.

*To His Excellency, the Governor, and the Honorable, the Legislature of the Free and Sovereign State of Coahuila and Texas:*

The inhabitants of Texas, represented by delegates, chosen for the purpose of making known their wants to that Supreme Government, and assembled in General Convention, in the Town of San Felipe de Austin, respectfully represent that, from the commencement of the settlement of Texas, up to the present time, no step has been taken to encourage public education, and to create a fund exclusively devoted to that object.—They would respectfully suggest, that intelligence is the main pillow of republican institutions, and that without it no Republic can be long-lived—that in every well regulated community, where free principles predominate, education among every class of society, has occupied the attention of the patriot statesman—that the Government of the State of Coahuila and Texas, heretofore, so liberal, and ever munificent in grants of lands to individuals, will, it is hoped, be equally so, in the grant of land for so useful and patriotic an object as will be the dissemination of knowledge through every part of society. Under these considerations, your memorialists pray a grant of as many leagues of land, for the promotion of education, as the Legislature, in its liberality, shall think proper to bestow; to be made to Texas as the foundation of a fund for the future encouragement of Primary Schools, in Texas, in which will be taught the Castilian and English Languages: and they further pray, that the said grant be made to the Ayuntamientos in Texas, for the use and benefit of the people in Texas, and for the object aforesaid, with the express condition that the said lands shall not be sold or otherwise disposed of, until the voice of the people of Texas, be taken thereon; and your memorialists conclude with a declaration of their attachment to the Republic of Mexico, and of their devotion to the Federal Constitution, and also of that of Coahuila and Texas.

(Signed)

L. LESASSIER, Chairman.

On motion of Mr. Bruff, the Convention adjourned until 3 o'clock, P. M.

The Convention met agreeably to adjournment—Mr. Lesassier in the chair.

On motion of Mr. Ingram, it was ordered that a committee be appointed, to take into consideration the expediency and importance, of appointing a Central Committee of Vigilance, Safety, and Correspondence, in the Town of San Felipe de Austin; as also the expediency and importance of appointing permanent Sub-Committees, in all the districts and sections of Texas, for the purpose of circulating information of events of importance to the interest of the people, throughout every settlement in the country; and furthermore, instructed to report the names of said Central and Sub-Committees, for the consideration of this Convention; and authorised to report the general duties of said Committees.

Whereupon, the following persons were appointed to compose said committee:

Ira Ingram, G. B. McKinstry, Robert Wilson, J. K. Looney, James Kerr.

Mr. Taylor, chairman of the committee, on the subject of the claims of the North American Tribes of Indians, in Texas, made the following report, which was accepted:

*To the Ayuntamiento of Nacogdoches:*

The people of Texas, met in General Convention, with anxiety make known, that they view with regret and concern, the present unfortunate situation of the North American Tribes of Indians residing in Texas, and much deplore the transactions which have occasioned it; and in as much, as a portion of our affairs, in relation to government, are in the same condition, it will be convenient for us, and perhaps not an improper duty, to inquire into and apply for a redress of the Indian grievances.

It is known that the Cherokees claim by way of grant, a tract of country situated about 30 miles to the N. W. of Nacogdoches; which claim they have been told, is worth about as much as the paper it is written on. — The Shawnees also, as well as others, have settled in the country, and have been promised possessions. The promise is still protracted.

When the Indian, inclined as he is to believe a promise made, eventually must be fulfilled, becomes frequently the dupe of craftiness and oppression, he naturally becomes discontented, unfriendly and hostile; and in the present instance might be made troublesome to us.

The Indians' repeated request to obtain their rights, are unattended to, because an accredited agent of the Government has been illegally suspended by a military officer, who in continuance of his system of deception and conciliation, and with a view to enlist their aid, declared to the Cherokees, (at the time we began to evince a disposition of throwing from our necks, the insupportable weight of Military oppression)—“The Americans grasping for land, intend making the attempt of driving all my countrymen from this State, and an extirpation of you all will soon follow.”

But the conflict at an end, some of our fellow-citizens explaining to them the true causes which impelled us to arms; and they seeing a large number of our native Mexican fellow-citizens had taken up arms in our

behalf, they seemingly became convinced that we fought for justice to ourselves, and with respect to the rights of every Indian.

But unfortunately just at this time, and while they were being told the Government would put them in possession of their lands, one or two of our fellow-citizens, without authority, run off, and included in a survey, part of the Cherokee claim or grant; consequently creating, by such an act, a disposition on the part of those Indians, to credit any gross misrepresentation made to them; and to give to former apprehensions the guise of truth, and they are now losing past confidence in all individual protestations or advice;—like the wrecked bark, which having crossed a wide expanse of ocean, is in sight of her destined port, but without the friendly sails that propelled her, and without any visible aid, or probable chance of assistance!

Under these circumstances, we most respectfully solicit your Honorable Body, to investigate the affairs, and learn the wishes of the North American Tribes of Indians, in relation to their lands, so that they may become assured of our friendship, by active steps taken in their behalf, and to the end, that they may not be intruded upon unlawfully or unjustly.

And lastly, we beg the Ayuntamiento, of Nacogdoches, will make known to the Indians that the disposition of the people of Texas is, to assist them in obtaining good titles to, and possession of land, and not to deprive them of that which they already claim.

(Signed)

C. W. TAYLOR, Chairman.

Mr. Ingram, chairman of the committee, recommending central and sub-committees throughout Texas, made their report; which was adopted, and reads as follows:

MR. PRESIDENT:—The Committee to whom was referred the consideration of the question of establishing standing Central and Sub-Committees of safety, vigilance, &c. throughout Texas—having given the subject their best attention, beg leave to report:—

That they deem such organization both expedient and important; that it is the only one which the recommendatory powers of this Convention can adopt, to protect so extended and scattered a population as that of Texas, and to give its inhabitants, in case of emergency, the benefit of the means within their control.

Your committee is of opinion, the general duties of such Central and Sub-Committees, would be best discharged by keeping up a regular and stated correspondence with each other, on all subjects relating to the peace and safety of the frontier—and on all relating to the tranquility of the interior; and they should endeavor, by a conciliating, patriotic and magnanimous policy, to impress upon the public mind, the high importance of making every sacrifice but the sacrifice of honor and principle, to the all-important and transcendent object of united counsels. United, our strength and resources are more than adequate to our defence in any possible event. Disunited, we may become an easy prey, even to a handful of cowardly invaders.

Your committee would recommend, that it be the duty of the sub-committees to notify the civil and military authorities, most contiguous to them, of the approach of danger, in the shortest time practicable, in all cases; and that it be the duty of the central committee, on receiving simi-

lar information, to circulate it to the civil and military authorities throughout the country, thro, or by means of the sub-committees, or otherwise, as shall most expedite its transmission. It is further recommended, that the central committee have power, on application of the people, to appoint sub-committees in such place and neighborhoods as may not be accommodated by this report.

Your committee beg leave further to recommend, that a circular be prepared by the president of this convention, to be signed by him and countersigned by the secretary, and that one or more copies thereof be sent to the central committee, and at least one to each sub-committee; and furthermore, that in the absence, inability, or indisposition of the chairman of any such sub-committee to act, that each any every other member of the same, be authorized to receive, open, and answer all despatches, from whatever source, addressed to said committee or their chairman as chairman of the same. It is further recommended, that all vacancies be filled by the central committee, or by its majority, on nomination of the committee in which such vacancy may have occurred, provided a nomination be sent in; but where none is received in a reasonable time after the vacancy occurs, then your committee would recommend, that the central committee proceed to fill such vacancy without delay.

Your committee recommend, that the central committee have power to call a Convention of Delegates from all Texas, at such time and place as they think proper. That the central committee be instructed to furnish the delegate elected by this convention to go to Mexico, with a letter embracing such matters of fact as may be connected with the object of his mission; and with such arguments connected therewith, as may in their opinion be calculated to aid the said delegate in the discharge of his high and important trust.

Your committee recommend for the consideration of the Convention, the following list of names for the Central and Sub-Committees:

#### CENTRAL COMMITTEE :

Francis W. Johnson, James B. Miller, Stephen F. Austin, Lewis L. Veeder, Robert Peebles, Wyly Martin, Wm. Pettis.

#### SUB-COMMITTEES :

*For the District of Sabine:*— — McMahan, — Smith, Benjamin Holt.

*For the District of Tennehaw:*—G. Butler, E. Rains, Jonas Harison.

*For the District of Nacogdoches:*—C. S. Taylor, H. Hartz, Thomas Hastings.

*For the District of Cow Bayou:*—Claiborne West, G. A. Patillo, David Garnder.

*For the District of San Jacinto:*—D. G. Burnett, George F. Richardson, Wm. P. Harris.

*For the District of Mina:*—Samuel Hoit, Robert H. Williams, Eli Mercer.

*For the District of Snow-River:*—Samuel Lewis, Ephraim Thompson, Major Dailey.

*For the District of Ayish-Bayou:*—John G. Love, Baily Anderson, Isaac W. Barron.

*For the District of Anahuac:*—James Morgan, G. M. Patrick, J. C. Reed.

*For the District of Liberty:*—P. C. Jack, H. B. Johnston, A. B. Harden.

*For the District of Labaca:*—Hugh McGuffin, G. Sutherland, John Andrews.

*For the District of Gonzales:*—Eli Mitchell, H. S. Brown, Thomas R. Miller.

*For the District of Alfred:*—William Robinson, W. R. Hensley, Samuel Bruff.

*For the District of Hidalgo:*—Nestor Clay, A. Thompson, John P. Cole.

*For the District of Victoria:*—John Austin, Charles D. Sayre, George B. McKinstry, Charles B. Stewart, W. D. C. Hall.

*For the District of Viesca:*—Jesse Grimes, Francis Holland, John Bowman.

*For the District of Bastrop:*—R. Andrews, T. G. Gazley, Bartlett Sims. All of which is respectfully submitted.

(Signed) IRA INGRAM, Chairman.

John Austin, chairman of the committee, to whom was referred the subject of recommending an uniform mode for organizing the Militia of Texas, made the following report, which was adopted:

The committee to whom was referred the reporting of an uniform mode of organizing the militia of Texas, report as follows:

1st. The committee recommend the plan or regulation made by the Ayuntamiento of Austin, which ordains—

Article 1. The Militia of the Municipality shall be organized into one regiment, to be composed of two battalions, and twelve companies.

Art. 2. The companies shall be formed as follows:—the west side of the Brazos river, within the Precinct of Victoria, shall form one company district; the precinct of San Jacinto one; that of Viesca, one; that of Hidalgo, one; that of Bastrop, one; that of Alfred, one; that of Mina, one; that of Labaca, one; that of San Felipe, one; that of Gonzales, one; and that of Mill Creek, one.

Art. 3. Each company shall be composed of one Captain, three Lieutenants, four Sergeants, three Corporals, one Quarter-master Corporal, and the number of men within the district.

Art. 4. The Field Officers and Staff, shall consist of one Colonel, one Lieutenant-Colonel, one Major, one First Adjutant, one Second Adjutant, one Quarter-Master, one Surgeon, and one Surgeon's mate. The Colonel may appoint the non-commissioned officers of his staff, as he may think proper.

Art. 5. The first battalion shall be composed of the districts of San Felipe, Mill Creek, Hidalgo, Viesca, Alfred and Bastrop, to be numbered from one to six, in the order they stand in the article.

Art. 6. The first battalion shall be composed of the companies on the west and east side of the Brazos in the Precinct of Victoria, and of the Districts of Mina, San Jacinto, Labaca, and Gonzales, to be numbered from one to six, in like manner.

Art. 7. Every man within the Municipality, able to bear arms, over the

age of sixteen and under fifty years, shall be liable to militia duty, and shall arm himself with gun and equipments.

Art. 8. The elections for officers and non-commissioned officers, shall be held in each company district, the second Saturday of October next. The alcalde shall give notice in each district, and appoint a central place for holding each election, and a person who shall preside, aided by two tellers and a secretary, to be appointed by the militia present, at the opening of the polls. The election shall commence at 10 o'clock, A. M. and close at 4 o'clock, P. M.

Art. 9. The militiamen shall, at the same time, vote for a Colonel, a Lieutenant-Colonel, and Major. The staff officers of the regiment, shall be appointed by the field officers.

Art. 10. The returns of the elections, shall be made within ten days from the time they are held, by the respective presidents, tellers, and secretaries, to the President of the Ayuntamiento; which body shall issue a certificate to each of the officers and non-commissioned officers who are elected. A record of the same shall be made, and a book kept for that purpose in the archives of the Ayuntamiento.

Art. 11. All vacancies shall be supplied by elections ordered by the commandant of the regiment, on receiving notice thereof.

Art. 12. Any officer, or non-commissioned officer, who removes out of the limit of the district for which he was elected, shall lose his commission by such removal.

Art. 13. The penalty for non attendance of a company muster, shall not exceed fifty dollars for officers, and ten dollars for non-commissioned officers and privates.

Art. 14. Ungentlemanly conduct, or disobedience of orders, or neglect of duty by officers, shall be punished by cashiering, suspension for a time, reprimand or fine, at the discretion of the court martial.

Art. 15. Disrespect to superiors, neglect of duty, or disobedience of orders, by non-commissioned officers or privates, shall be punished by arrest under guard, public reprimand, or fine, at the discretion of the court martial: provided, that in actual service, the officer in command can resort to such punishment as the exigency may require; but always on his own responsibility, as liable to punishment himself, should a competent court martial decide that such punishment was excessive, or improperly executed or applied.

Art. 16. Sleeping on post or deserting it, shall be punished at the discretion of the court martial.

Art. 17. There shall be general, regimental and special court martials.

Art. 18. The general court martial shall be convened by the commandant of the regiment, except when the charges are against said commandant, in which case it shall be convened by the Ayuntamiento, and shall try all charges against officers, including the commander of the regiment, and all offences committed by officers, non-commissioned officers and privates, when the punishment is death. This court shall be composed of not less than five, nor more than thirteen members, to be nominated by the commandant of the regiment, or should he be accused, then by the Ayuntamiento.

Art. 19. The regimental court martial shall be convened by the commandant of the regiment, and shall be composed of three commissioned officers, to be nominated by him. This court shall try all charges against

non-commissioned officers and privates, except when the punishment is death. Two or more of such regimental courts may be convened at the same time, in different places, to impose fines for non attendance at company musters, or refusing to obey a draft, or other disobedience or neglect of duty.

Art. 20. Special court martials may be convened by an officer in command of the regiment, or a detachment, when in actual service. These courts shall have the same power as the regimental court martial.

Art. 21. It shall be discretionary with the commandant of the regiment to order company, battalion and regimental musters, when ever he may deem it necessary, and to form regulations for classing and drafting the militia.

Art. 22. One volunteer uniform company may be raised in each battalion, which shall not exceed fifty men in the aggregate. Such company shall be subject to the orders of the commandant of the regiment or battalion, and the rules prescribed in this regulation, but may form bye-laws for their own internal regulations.

Art. 23. It shall be the duty of the field officers, to suggest to the Ayuntamiento, such amendments to this regulation, as experience may indicate as necessary.

2nd. The committee recommend, that the Districts of Nacogdoches, Ayish Bayou, Tennehaw, Snow River, and Sabine form one regiment.

3rd. That the District of Liberty, and the inhabitants east of said settlement, on the Sabine river, and those of Cow-Bayou, form one battalion.

4th. This committee request the Ayuntamiento of Nacogdoches, to organize its militia agreeably to this plan, and also the Ayuntamiento of Liberty, and make return of the officers elected, to the Ayuntamiento of Austin.

5th. The committee recommend, that a Brigadier-General be elected, to take command of the whole militia.

6th. That so soon as may be, after the organization of the militia, the Ayuntamiento of Austin shall order an election for Brigadier-General, by the commissioned officers of the two regiments.

(Signed)

JOHN AUSTIN, Chairman.

On motion of Mr. Harison, it was resolved, that a committee of two persons be appointed to represent to the Legislature of Coahuila and Texas the necessity of appointing a Surveyor-General for Texas, and that said committee recommend Francis W. Johnson, as a qualified person to fill that post:

Whereupon, Jonas Harison, and Luke Lesassier were appointed to compose said committee.—On motion, S. F. Austin was added.

Mr. Hensley, chairman of the committee, relative to the protection of Austin's and Dewitt's Colonies against Indian depredations, made the following report, which was accepted:

*To the Honorable, the Convention, now in Session:*

Gentlemen:—In accordance with the trust reposed in your committee, appointed for the purpose of making inquiry into the Indian affairs

of Texas, and to fix on some plan for the protection of the frontiers, beg leave respectfully to report:

1st. That, from the best information that we can obtain, we find the Indians are daily committing some depredations on the frontier of our country; such as murdering our citizens, stealing our horses, &c.

2nd. That we are of the opinion, the best mode of defending our frontier, is that immediately after the organization of the militia of Austin's and Dewitt's Colonies, the first battalion be required to furnish forty men, properly officered, to serve on our frontier for the term of forty days.

3rd. That in anticipation of the expiration of the time of said detachment, the second battalion be required to furnish the same quota of men, to serve a like term of forty days; and so alternately, each battalion of said regiment furnishing its quota of forty men, in anticipation of the close of the term of those in service.

(Signed)

W. R. HENSLEY, Chairman.

Mr. Menifee moved, that the sense of the Convention be taken, whether there shall be one or two delegates sent to Saltillo, and Mexico, to bear the mission of this Convention.

Whereupon, it was resolved by the Convention, that only one delegate should be sent.

On motion of Mr. Hoit, it was resolved, that no new business be admitted before the Convention after this day.

On motion of Mr. Kerr, it was resolved, that the Central Committee be requested to correspond with the inhabitants of San Antonio, Labahia, and Victoria, to inform them of the proceedings of this Convention, and to solicit them to cooperate to procure a repeal of the 11th article of the Law of the 6th of April, 1830: and also, invite those districts of country, to concur with us to procure a State Government for Texas.

On motion of Mr. Kerr, the Convention adjourned until Saturday, 9 o'clock A. M.

SATURDAY, October 6.

The Convention met agreeably to adjournment.

Wyly Martin moved, that the Convention now proceed, in compliance with the resolution adopted yesterday, to the election of a suitable person to bear the mission of this Convention, to the State and General Governments: and he recommended W. H. WHARTON for that service.

Whereupon, the Convention proceeded to said election, *vive voce*, and Mr. Wharton was unanimously elected.

Mr. Wharton, in his place, presented the Convention his thanks for their confidence.

On motion of Mr. Hoit, it was resolved, that a committee of five persons be appointed, to devise ways and means to defray the expenses of the Delegate to Mexico.

Whereupon, Messrs. Hoit, Groce, Harison, Morgan, and Kerr, were appointed said committee.—On motion, it was ordered, that S. F. Austin, W. D. C. Hall and C. S. Taylor be added to said committee.

On motion of Mr. Jack, it was resolved, that this Convention proceed to recommend to the people of Texas, a suitable person as Brigadier Gen-

eral. Captain WYLY MARTIN was, thereupon, unanimously recommended as a suitable person for that office.

On motion of Mr. Lesassier, the Convention adjourned until 4 o'clock P. M.

The Convention met agreeably to adjournment.

Mr. Harison, chairman of the committee to whom was referred the situation of the land business east of the San Jacinto, made the following report, which was unanimously adopted.

*To His Excellency, the Governor of the State of Coahuila and Texas:*

The inhabitants of Texas, convened in General Convention of Delegates, in the Town of San Felipe de Austin, for the purpose of representing their situation to the Government, respectfully set forth to your excellency: that from the year 1821, up to the present time, a number of industrious citizens have settled in the district of country between the San Jacinto, and Sabine Rivers; and that the settlers have made extensive and valuable improvements in farms, mills, cotton gins, and machinery; and having uniformly been obedient to the Constitution, in the year 1828, grants of land were made to them by the government, and Don Juan Antonio Padilla was appointed Commissioner to issue the titles. Unfortunate circumstances prevented the said Commissioner from completing the objects of his commission, and the business remained in suspense. In 1831, Don José Francisco Madero was appointed Commissioner by the government for the same purpose, but unfortunately he was arrested by military authority, and prevented from issuing the titles.

These repeated delays and embarrassments have defeated the paternal intentions of the government, in favor of the inhabitants of that remote section of the State, who still remain in the most cruel uncertainty as to their land titles. Relying on the grants made in 1828, and the Colonization Laws, they have made, as has been said, important improvements; and if fostered by the government, will be an efficient defence of the frontier against Indians, or other enemies. The uncertainty of their situation, causes an uneasiness among the inhabitants, and cannot be favorable to the public tranquility, and is in the highest degree prejudicial to the prosperity of the country. The number of inhabitants is sufficient for the establishment of new Ayuntamientos. The organization of the local government in that section of the State, is very defective. There are but two Ayuntamientos between the San Jacinto and Sabine Rivers; one at Nacogdoches, and one at Liberty, on the Trinity. The greatest inconveniences and evils may arise from such a state of things; for a large portion of the inhabitants are almost without any local government.

Influenced by these reasons, and the most firm and decided attachment and adhesion to the Constitution of the Republic, and of the State, and the most sincere desire for our country's prosperity, this Convention respectfully petition, that your Excellency will be pleased to appoint a Commissioner, duly authorized to give titles of possession to the inhabitants living between said San Jacinto and Sabine Rivers: and to establish the Ayuntamientos in conformity to the Laws of Colonization.

(Signed)

J. HARISON, Chairman.

Mr. Hoit, chairman of the committee to whom was referred the subject of ways and means to defray the expences of the Delegate to Mexico, made the following report, the recommendations of which were adopted:

The committee to whom was referred the resolution in relation to a supply of means to defray the expenses of a Delegate, on his mission to the Mexican Congress, and devise ways by which the same may be raised, have had the subject matter under consideration, and have unanimously agreed, that the sum of \$2000 will be necessary; and propose to the Convention, that said sum be raised by subscription from the people.

That one person be appointed from each Precinct, whose duty it shall be to obtain subscriptions, and when obtained to forward them to Walter C. White, Esq. whom we propose to be appointed Treasurer-General, whose duty it will be to obtain subscriptions at San Felipe de Austin, and also to receive such sums as may be forwarded to him by said Precinct Treasurers, and pay the same over to Wm. H. Wharton, Esq. or order, when called on. The committee would further recommend, that the delegates from each precinct nominate to the President of this Convention, a suitable person to obtain said subscriptions, and that the President issue his letter of appointment accordingly. The committee would further recommend, that the Precinct Treasurers be instructed to make return of what money they have collected, on or before the first day of December next; and also continue a monthly return, until they are informed by the Treasurer-General the required sum of \$2000 is collected.

All of which is respectfully submitted.

(Signed)

S. HOIT, Chairman.

On motion of Mr. McFarland, it was ordered, that the following be added as an amendment to the report of the committee, to whom was referred the subject of reporting some uniform mode of organizing the militia of Texas:

Resolved, that an election of company and regimental officers be held on the first Saturday in November next.

On motion of Mr. Bruff, it was resolved, that the Secretary be directed to make out a fair statement of the proceedings of this Convention, and transmit them to the printing office in Brazoria for publication, and the Ayuntamiento pay the expence.

Mr. Harison, chairman of the committee on the appointment of a Surveyor-General, made the following report, which was received by the Convention:

The committee to whom was referred the subject of petitioning the Government to create a Surveyor-General for Texas, and to recommend F. W. Johnson for that station, beg leave to report, that as the subject is of great importance, and accompanied with much detail, in setting forth the proper fees of compensation for surveying, and the various duties of said office, they, therefore, ask that the discharge of the duties of this committee be postponed until after the adjournment of the Convention; and that they then have the power to draw up a suitable petition to Government, and also; draft a law calculated to effect the object desired, in time to forward by our Representative to Congress.

(Signed)

J. HARISON, Chairman.

Mr. Beauchamp, chairman of the committee to whom was referred the subject of petitioning the State Government for a law authorising the people of Texas to transact their business in the English language, except such as relate to the Government, made a report, which was rejected.

On motion of Mr. Taylor, it was resolved, that a deputation of four persons be appointed Commissioners to assist the Ayuntamiento of Nacogdoches in their inquiries into the affairs of the North American Tribes of Indians: and that William McFarland, Thomas Hastings, James Bradshaw, and Elisha Clapp, form said Commission.

The following persons were recommended and appointed District Treasurers.

District of Alfred, *William Robinson*; Gonzales, *Eli Mitchell*; San Jacinto, *George F. Richardson*; Hidalgo, *Thomas S. Saul*; Mill Creek, *A. Kuykendall*; Mina, *R. R. Royall*; Labaca, *J. Kerr*; Viesca, *Jesse Grimes*; Bastrop, *B. Sims*; Liberty, *W. Shaw*; Cow Bayou, *Geo. A. Patillo*; Anahuac, *G. M. Patrick*; Nacogdoches, *John S. Roberts*; Ayish Bayou, *B. Lindsey*; Snow River, *S. Lewis*; Tennehaw, *John English*; Victoria, *Asa Brigham*; Sabine, *Major McMahan*.

The President having retired for a moment;

On motion of Mr. Hoit, it was resolved, that the thanks and approbation of the Convention be presented to *Col. S. F. Austin*, for the very able, dignified and impartial manner in which he has sustained the duties of the chair.

Resolved, that the thanks and approbation of the Convention be presented to *F. W. Johnson, Esq.* for the able and faithful discharge of his duties as Secretary.

On motion of Mr. Kerr, the Convention adjourned *sine die*.

(Signed)

S. F. AUSTIN, *President*.

F. W. JOHNSON, *Secretary*.



JOURNALS  
OF THE  
CONSULTATION

HELD AT  
SAN FELIPE DE AUSTIN,

OCTOBER 16, 1835.

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PUBLISHED BY ORDER OF CONGRESS.

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HOUSTON.  
1838



# JOURNALS.

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COUNCIL HALL, December 25, 1835.

*Resolved*, That this revised Journal of the Proceedings of the Convention, be handed over to the printer for publication.

Agreeably to a resolution of the Convention, Mr. Mitchell was appointed to superintend the printing of the journal.

Passed at San Felipe de Austin, Dec. 25, 1835.

JAMES W. ROBINSON,  
*Lieutenant Governor, ex officio President of the General Council.*

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## COLUMBIA MEETING.

At an adjourned meeting of the citizens of Columbia, held in the town of Columbia, on Saturday the fifteenth day of August, Wm. H. Wharton, Esq. was called to the chair, and Wm. T. Austin appointed secretary, when the following resolutions were adopted.

*Resolved*, That a consultation of all Texas, through her representatives, is indispensable.

*Resolved*, That a committee composed of fifteen persons, to be called a *Committee of Safety and Correspondence for the jurisdiction of Columbia*, be elected, and that they be instructed to prepare an address to all the jurisdictions of Texas, requesting them to co-operate with us in the call of a consultation of all Texas.

*Resolved*, That the committee communicate with all Texas in the most prompt manner, by sending confidential agents to each jurisdiction, and that said committee keep the people constantly advised of all political intelligence of general interest, and that they continue to act until displaced by the people or the consultation.

*Resolved*, That we hold ourselves bound to pay our proportion of all expenses incurred by said committee, in sending expresses, printing, &c.

*Resolved*, That we invest the committee of safety and correspondence as our agents, with full power to represent the jurisdiction of Columbia, to use the most efficient means to call a consultation, and to use all means in their power to secure peace, and watch over our rights.

*Resolved*, That we will not give up any individual to the military authorities.

In compliance with the second resolution, the following gentlemen were elected a committee of safety and correspondence: John A. Wharton, W. D. C. Hall, Henry Smith, Silas Dinsmore, James F. Perry, John G. McNeel, Robert H. Williams, Wm. H. Jack, F. A. Bingham, John Hodge, Wade H. Bynum, B. T. Archer, Wm. F. Austin, P. Bertrand, and Isaac T. Tinsley.

*Resolved*, That the proceedings of this meeting be published in the Texas Republican.

*Resolved*, That the thanks of this meeting be given to the chairman and secretary.

*Resolved*, That this meeting adjourn.

WILLIAM H. WHARTON, *Chairman.*

WM. T. AUSTIN, *Secretary.*

Agreeably to the foregoing resolution, the citizens of the several municipalities of Texas elected delegates to meet in general consultation on the fifteenth day of October, who this day convened.

CONVENTION ROOM, SAN FELIPE DE AUSTIN,

October 16, 1835.

The members having come to order, Mr. Royal, of Matagorda was called to the chair, and Samuel Whiting appointed secretary.

On motion of Mr. Everitt,

*Resolved*, That the members present their certificates of election, to the meeting, when the following gentlemen presented their certificates.

*From the Municipality of Bevil:*

John Bevil, Wyatt Hanks, Thomas Holmes, S. H. Everett, John H. Blount.

*From the Municipality of San Augustine:*

A. Houston, Jacob Garrett, Wm. N. Sigler, A. E. C. Johnson.

*From the Municipality of Harrisburg:*

Lorenzo de Zavala, Clement C. Dyer, Wm. P. Harris.

*From the Municipality of Matagorda:*

Ira R. Lewis, R. R. Royal, Charles Wilson.

*From the Municipality of Viesca:*

J. G. W. Pierson, J. L. Hood, S. T. Allen, A. G. Perry, J. W. Parker, Alexander Thompson.

*From the Municipality of Nacogdoches:*

Wm. Whitaker, Sam. Houston, Daniel Parker, James W. Robinson, N. Robins.

*From the Municipality of Columbia:*

John A. Wharton, Henry Smith, Edwin Waller, J. S. D. Byrom.

*From the Municipality of Austin:*

Wyly Martin, Thomas Barnett.

On motion of Mr. D. Parker, the chairman was requested to communicate to the house such letters and documents as have been received from the army; whereupon,

The chairman read to the house all such letters and documents as were in his possession.

On motion of Mr. Martin, the house adjourned until to-morrow morning.

*October 17, 1835.*

The house met pursuant to adjournment, and proceeded to business.

On motion of Mr. D. Parker, seconded by Mr. John A. Wharton, the following preamble and resolutions were unanimously adopted.

Whereas, there is not a sufficient number of members present to form a quorum of the consultation, owing to the members being absent in the army; therefore,

*Resolved,* That the members present adjourn until the first day of next month, or as soon as a quorum can meet at this place, so as to afford an opportunity to those who may desire it to join the army in the defence of their country.

*Resolved,* That those who cannot join the army may remain here, with the permission to unite with the Council of Texas, and to have access to all the intelligence in possession of the Council relative to the present crisis.

*Resolved,* That they be requested to transmit all the information of importance to the several municipalities by which they have been delegated, and whatever else which of right they ought to do. Whereupon, the Consultation adjourned.

R. R. ROYAL, *Chairman.*

SAM'L WHITING, *Secretary.*

SAN FILIPE DE AUSTIN, Nov. 1st, 1835.

The General Consultation met pursuant to adjournment.

Mr. Royal, the chairman, called the house to order.

The roll having been called, the following members appeared and took their seats:

From the municipality of Bevil—John Bevil, S. H. Everitt, Wyatt Hanks.

From the municipality of San Augustine—William N. Sigler, A. Houston, A. E. C. Johnson.

From the municipality of Nacogdoches—Sam Houston, James W. Robinson, Dan'l Parker.

From the municipality of Columbia—John A. Wharton, J. S. D. Byrom, Edwin Waller.

From the municipality of Austin—Wiley Martin, Randall Jones, Thomas Barnett.

From the municipality of Liberty—Henry Millard, Claiborne West.

From the municipality of Harrisburg—Lorenzo De Zavala, M. W. Smith, Wm. P. Harris, John W. Moore.

From the municipality of Matagorda—R. R. Royall, Cha's Wilson.

From the municipality of Mina—D. C. Barrett, R. M. Williamson.

On motion, the house adjourned to ten o'clock to-morrow morning.

NOVEMBER 2nd, 1835, 10 o'clock, A. M.

The house met pursuant to adjournment. Several additional members appeared and took their seats.

A quorum not being present, the house adjourned to nine o'clock to-morrow morning.

NOVEMBER 3rd, 1835, 9 o'clock, A. M.

The house met pursuant to adjournment. There being a quorum present.

On motion of Mr. S. Houston, the house proceeded to an election of president and other officers.

Whereupon, B. T. Archer was elected president, and P. B. Dexter, secretary.

Mr. Archer, on taking the chair, delivered the following address:

GENTLEMEN—I return you my thanks for the honor you have conferred on me. The duties which devolve on the members of this body are arduous and highly important; in fact, the destinies of Texas are placed in your hands; and I hope that you are now assembled, in every way prepared to discharge those duties in a manner creditable to yourselves and beneficial to your country. I call upon each and all of you to divest yourselves of all party feelings, to discard every selfish motive, and look alone to the true interest of your country. In the words of the Hebrew prophet, I would say, "Put off your shoes, for the ground upon which you stand is holy." The rights and liberties of thousands of freemen are in your hands, and millions yet unborn may be affected by your decisions.

The *first* measure that will be brought before the house, will be a declaration in which we will set forth to the world the *causes* which have impelled us to take up arms, and the *objects* for which we fight.

*Secondly.* I will suggest for your consideration the propriety of establishing a provisional government, the election of a governor, lieutenant governor and council; and I would recommend that these officers be clothed with both legislative and executive powers. This measure I conceive absolutely necessary to prevent Texas from falling into the labyrinth of anarchy.

*Thirdly.* The organization of the military requires your immediate attention. You have an army in the field whose achievements have already shed lustre upon our arms, they have not the provisions and comforts necessary to continue their services in the field; give them character or their victories, though they are achieved not without danger and glory, will, nevertheless, be unproductive of good; sustain and support them and they will do honor to you, and render incalculable services to their country; but neglect them, Texas is lost. The adoption of a code of military laws is indispensable; without discipline and order in the ranks, your armies will be mobs, more dangerous to themselves than to their adversaries, and liable at all times to be routed and cut to pieces by a handful of regulars. I know the men that are now in the field; there

never were better materials for soldiers; but without discipline they can achieve nothing. Establish military laws, and like the dragon's teeth sown by Cadmus, they will produce armed men. It will be necessary to procure funds in order to establish the contemplated government, and to carry on the war in which we are now engaged; it will, therefore, be our duty to elect agents to procure those funds. I have too high an opinion of the plain practical sense of the members of this body, to think for a moment, that they will elect any but some of our most influential citizens to this important post. Without funds, however heroically your armies may fight, however wisely your councils may legislate, they will erect but a baseless fabric that will fall of its own weight.

There are several warlike and powerful tribes of Indians, that claim certain portions of our lands. Locations have been made within the limits they claim, which has created great dissatisfaction amongst them; some of the chiefs of those tribes are expected here in a few days; and I deem it expedient to make some equitable arrangement of the matter that will prove satisfactory to them.

Permit me to call your attention to another subject. Some of our brethren of the United States of the north, hearing of our difficulties, have generously come to our aid, many more ere long will be with us; services such as they will render, should never be forgotten. It will be proper for this convention to secure to them the rights and privileges of citizens, to secure to them their land "in head rights," and place them on the same footing with those of our citizens who have not yet obtained from government their lands; and in all other respects to place them on an equal footing with our most favored citizens. Again, the path to promotion must be open, they must know that deeds of chivalry and heroism will meet their rewards, and that you will throw no obstruction in their pathway to fame.

Some fraudulent sales or grants of land, by the late government of Coahuila and Texas, will require your attention. The establishment of mails, and an express department, is deemed necessary to promote the interest of the country; besides other minor matters that have escaped my observation in this cursory review.

Finally. Gentlemen and friends, let me call your attention from these details to the high position which you now occupy; let me remind you that the eyes of the world are upon you; that battling as we are against the despotism of a military chieftain, all true republicans, all friends to the liberties of man, are anxious spectators of the conflict, or deeply interested in the cause. Let us give evidence that we are the true descendants of that band of heroes, who sustained an eight years' war against tyranny and oppression and gave liberty to a new world. Let our achievements be such that our mother country, when she reads the bright page that records them, shall proudly and joyfully exclaim, these are my sons! their heroic deeds mark them as such.

Again, gentlemen, let me admonish you that "the ground on which you stand is holy;" that your decisions will affect the rights and liberties of thousands of freemen, and destinies of millions yet unborn, and perhaps the cause of liberty itself. I do not view the cause in which we are engaged, as that of freemen fighting alone against military despotism; I do not view it as Texas battling alone for her rights and her liberties; I view it in a more nobler, more exalted light, I view it as the great

work of laying the corner stone of liberty in the great Mexican republic.

On motion, Mr. Pettus was appointed sergeant-at-arms of the convention, with the privilege (in the event of his having more important duties to perform,) of appointing a deputy.

The following resolution, offered by Mr. S. Houston, was unanimously adopted:

Whereas, The general convention of all Texas, assembled, have learned with great pleasure, that a detachment of the army of the people, under the command of Col. James Bowie and Capt. J. W. Fannin, on the morning of the 28th of October, encountered a detachment of the army of General Cos, consisting of about four hundred men, cavalry and infantry, while their force only consisted of ninety-two, rank and file, near the mission of Conception, and obtained a complete victory over them. While the loss of the Anglo-Americans was one man dangerously wounded; and the loss of the enemy, sixteen found dead on the field of battle, with the supposed loss of sixteen more borne off. Therefore,

*Resolved*, That the thanks of the convention be rendered to Gen. Austin, Col. James Bowie and Capt. J. W. Fannin, with the troops engaged in the action, as a tribute due to their heroism, gallantry and valor, in the defence of the rights of Texas and constitutional liberty.

Mr. E. Hall, agent of a committee in New-Orleans, presented certain documents, which were read, and on motion of Mr. Wharton, ordered that they be laid on the table.

On motion of Mr. Robinson, a committee of five was appointed to take into consideration the communications from the New-Orleans committee; and Messrs. J. A. Wharton, S. Houston, Robinson, Royal and D. Parker were appointed on that committee, with instructions to report thereon.

Mr. Royal asked and obtained leave to read a report from the general council, containing an exhibit of the proceedings of that body.

SAN FELIPE DE AUSTIN, Nov. 1st, 1835.

To the honorable Consultation of the chosen delegates of all Texas, in general convention assembled—

The general council begs leave to report, that now on the organization of your honorable body the duties of the council terminate, and it is with much satisfaction that we surrender into your hands the records of our proceedings. In the discharge of its duties, it became necessary for the council to take the responsibility of acts of magnitude, if in doing so we have transcended the authority that was intended to be delegated to us, we hope that the liberality of your assembly will attribute it to *motives* of rendering important, if not indispensable, aid to the cause in which Texas is engaged.

As the most trivial acts of the council are on record, and too numerous to be couched in this report, it will present to your consideration at the moment, the most important acts, and those incurring the greatest responsibility, that you may improve or reform as your wisdom may approve.

On the fourteenth of October, Mr. Sims Hall was commissioned as contractor of the army, from whose report there are reasons to believe that upwards of one hundred beeves and a considerable quantity of corn meal

are on the way, or repairing to headquarters; and as connected with this subject, we will also inform you that supplies of sugar, coffee, bacon, blankets, shoes, tent clothes, &c., have been forwarded from Columbia, Brazoria and Matagorda. But as winter is approaching; high water and bad roads may be expected, we, therefore, recommend that a large quantity be forwarded to head quarters or some convenient point.

We have reasons to believe that one eighteen pounder, and a twelve pounder of artillery are on the way, with a fair proportion of powder and ball.

We have authorised the raising of twenty-five volunteer rangers, to range between Colorado and Brazos, on the frontier settlements; twenty-five between Brazos and Trinity rivers, and thirty-five east of the Trinity river; promising each volunteer one dollar and twenty-five cents per day.

The council has made provisions for the collection of the public dues; on file marked G. This it will be necessary to take up and revise.

The council has ordered to be carried into effect, by subscription under certain regulations, a mail route from San Felipe de Austin to Cantonment Jessup, in the United States, to head quarters of the army or to Bexar and to Velasco. This subject should, at a suitable time, be taken up, and branch routes be ordered. These resolutions are on file marked H; and to carry the project into effect, the council appointed John Rice Jones, post master general.

On the twenty-sixth of October the council drafted an address to the people of the United States of the north, which was forwarded to the editors at Natchitoches for publication, and will be found on file marked M.

On the twenty-seventh the council passed a resolution, requiring the suspension of the proceedings of the various land offices, for reasons therein stated, which will be found on file marked N, copies of which have been ordered to be served on all the land commissioners.

We authorised a contract for a loan of one hundred thousand dollars of the citizens of New Orleans, and appointed T. F. McKinney an agent to repair to New Orleans, and to carry it into effect, under instructions on file marked O.

On the thirty-first, the council received a number of letters from Thomas F. McKinney, and other gentlemen of the lower country, urging the necessity of the council granting letters to certain persons therein named, to cruise for Mexican armed vessels; which was granted and commissions issued, and a copy on file marked P, and accompanied with instructions marked G.

Our finances arising from the receipts of dues for lands, as will appear on file in Mr. Gail Borden's report, marked F, which were in his hands, is fifty-eight dollars and thirty cents; this money has been exhausted, and an advance by the president of the council of thirty-six dollars. There were also several hundred dollars in the hands of Mr. Money, the alcalde of the Municipality of Austin; upon this money several advances have been made by Mr. Cochran, and probably will nearly cover the amount of the money in the alcalde's hands; as such, you may consider that at this moment, the council is out of funds.

Two Mexican officers, prisoners of war, are now on parole of honor, having the privilege of the town of San Felipe; it will be necessary that

the president or some appointed authority of your body have observation over them, as may be usual or necessary.

As some days may pass by before the consultation organize, a proper authority to receive and despatch expresses, the council is of opinion should be attended to, and the council is of opinion that you should appoint a committee for that purpose.

With considerations of high regard, &c.

R. R. ROYAL,

*President of the general council of Texas.*

A. HOUSTON, *Secretary.*

On motion of Mr. S. Houston, the report from the general council was received, and a vote of thanks was unanimously tendered to the gentlemen composing the general council, for the faithful and able discharge of the arduous duties devolved on them.

On motion of Mr. Royal, it was

*Resolved*, That the address of this house be "The Consultation of the Chosen Delegates of all Texas, in General Convention assembled."

On motion of Mr. J. A. Wharton,

*Resolved*, That the president appoint a committee of twelve, composed of one member from each jurisdiction, to make a declaration, setting forth to the world the causes that impelled us to take up arms, and the objects for which we fight.

In pursuance of the above resolution, the chair appointed the following, viz:

From the jurisdiction of Columbia,	J. A. Wharton.
“ “ Austin	W. Meniffee.
“ “ Matagorda,	R. R. Royal.
“ “ Harrisburg,	L. de Zavala.
“ “ Washington,	Asa Mitchell.
“ “ Gonzales,	W. S. Fisher.
“ “ Mina,	R. M. Williamson.
“ “ Nacogdoches,	S. Houston.
“ “ San Augustine,	A. Houston.
“ “ Bevil,	W. Hanks.
“ “ Liberty,	H. Millard.
“ “ Viesca,	S. T. Allen.

On motion of Mr. S. Houston, it was unanimously

*Resolved*, That the general consultation of all Texas approve of the disposition of the troops which arrived at Brazoria, under the conduct of Mr. E. Hall, from New Orleans, and that their most cordial thanks be presented to Mr. E. Hall, the committee, and the citizens of Louisiana, who so promptly and efficiently rendered their generous and manly assistance in our struggle for liberty against arbitrary power and despotism.

On motion of Mr. S. Houston, it was ordered that two copies of the above resolution be handed to Mr. E. Hall; one to be retained by himself, and the other to be by him presented to the committee.

On motion of Mr. Barrett it was

*Resolved*, That a committee of three be appointed to contract with a printer for "the general consultation of all Texas, in convention assembled," and report the same to this body.

Whereupon, Messrs. Barrett, Everitt, and Roberston were appointed that committee.

On motion of Mr. Harris, it was

*Resolved*, That a committee of five be appointed to draft rules and regulations for the government of the general consultation of all Texas, in convention assembled, during its deliberations; and in pursuance of the above resolution, the president nominated the following members as composing said committee: Messrs, Harris, Barrett, Martin, Barnett, and Wharton.

On motion the house adjourned until nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, NINE O'CLOCK, A. M., }  
 November 4, 1835. }

The house met, pursuant to adjournment. The proceedings of yesterday being read, the house proceeded to business.

On motion of Mr. J. A. Wharton, one thousand copies of the proceedings of yesterday, with the address of the president on his being conducted to the chair, were ordered to be printed.

Mr. Harris, from the committee appointed to draft rules and regulations for the government of the consultation during its deliberations, reported the following, which were adopted.

To the honorable, the general consultation of all Texas, in convention assembled.

Your committee, to whom was committed the duty of drafting rules for the government of this body, make report of the following rules and regulations for your consideration; as follows:

#### RULE I.

The president shall take the chair after every adjournment, precisely at the hour to which the house has adjourned; at which time the members shall all be in their places.

#### RULE II.

The president shall cause the journals of the preceding day to be read every morning on the meeting of the convention.

#### RULE III.

The president shall preserve decorum and order, may speak to points of order, and shall decide all questions of order, subject to an appeal to the house by any two members; on which appeal, no member shall speak more than once, unless by leave of the house.

Questions shall be distinctly put by the president, affirmatively and negatively, to the house, and if he doubt, or a division be called for, the house shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards the negative. If a count be required, the president shall name two members, one from each side to perform that duty, and report the same to the president, who shall state the same to the house.

## RULE IV.

The president shall examine and correct the journal before it be read; he shall have a general direction of the hall; he shall have the right to name any member to perform the duties of the chair; but such substitution shall not extend beyond an adjournment.

## RULE V.

All committees shall be appointed by the president, unless otherwise directed by the house; in which case they shall be chosen by ballot.

## RULE VI.

In case of any disorderly conduct of spectators, the president shall have power to order them to be dispersed.

## RULE VII.

When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question in debate, and avoid personality.

## RULE VIII.

If any member, in speaking or otherwise, transgress the rules of the house, the president *shall*, or any member *may*, call him to order; in which case the member so called to order, shall immediately sit down, unless permitted to explain; and the house shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be final; and if in favor of the member called to order, he shall have the liberty to proceed; if otherwise, and the case requires it, he shall be liable to the censure of the house.

## RULE IX.

When two or more members happen to rise at the same time, the president shall name the member who is first to speak.

## RULE X.

No member shall speak more than once to the same question, until every member choosing to speak, shall have spoken; nor shall any member speak more than twice to the same question, without leave of the house.

## RULE XI.

Every member who shall be in the house when the question is put, *shall* give his vote, unless the house shall, for special reasons excuse him.

RULE XII.

When a motion is made and seconded, it shall be stated by the president, or being in writing, shall be handed to the secretary, and be read aloud before debate; and every motion shall be reduced to writing if the president or any member desire it.

RULE XIII.

After a motion is stated by the president, or read by the secretary, it shall be deemed in the possession of the house, but may be withdrawn at any time, before decision or amendment.

RULE XIV.

When a question is under debate, no motion shall be received, except to adjourn; and a motion to adjourn shall be always in order, but shall be decided without debate.

RULE XV.

The yeas and nays shall be taken and entered upon the journal of the house, when requested by any two members present.

RULE XVI.

Every resolution which may be presented by any committee or member, shall lie upon the table for one day, if required by any member present, and shall be separately considered by the house.

RULE XVII.

It shall be the duty of the sergeant-at-arms, or his deputy, to attend the house during its sittings, to execute the commands of the house from time to time, together with all such process issued by authority thereof, as shall be directed to him by the president.

RULE XVIII.

It shall be the duty of the secretary to keep a book, in which he shall seasonably record the motions, resolutions, rules and decisions of the house, and to do and perform all such other acts appertaining to his office, as may be required of him by the president of the convention.

RULE XIX.

The president shall not be permitted to vote upon any question before the house, unless when the members are equally divided, and then he shall give the casting vote.

## RULE XX.

Two thirds of a majority of the members elect shall constitute a quorum to do business.

W. P. HARRIS, *Chairman.*  
D. C. BARRETT,  
WYLEY MARTIN,  
THOMAS BARNETT.

November 3d, 1835.

On motion of Mr. Royal,

*Resolved*, That it shall be the duty of the secretary, to take charge of the papers and records of the committee of safety of Austin; provide a copy of the resolutions of Columbia; receive the papers and records of the council, and keep them till called for by the competent authority.

On motion of Mr. Parker, the following was added to the rules of the house:

*Resolved*, That after reading the proceedings of the preceding day, the standing committee's reports shall be the order of the day.

On motion of Mr. Martin,

*Resolved*, That the secretary be authorised to provide the necessary stationery for the use of the house, and charge it to the general consultation.

Mr. John A. Wharton, from the committee to whom was referred "the making a declaration setting forth to the world the causes that impelled us to take up arms, and the objects for which we are fighting;" made a report.

On motion of Mr. Parker, the house adjourned to two o'clock, P. M.

TWO O'CLOCK, P. M.

The house met pursuant to adjournment, and resumed the consideration of Mr. Wharton's resolution calling for a "declaration setting forth to the world the causes that impelled us to take up arms, and the objects for which we fight." After some time spent in consideration of the above, the house, on motion of Mr. Williamson, adjourned to nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, NOV. 5, 1835, 9 o'clock, A. M.

The house met pursuant to adjournment; the journals of yesterday's proceedings being read, the house proceeded to the order of the day, the consideration of Mr. Wharton's resolution.

Elijah Collard, from the jurisdiction of Washington, presented his certificate of election as a delegate to this consultation and took his seat.

Mr. Parker obtained the floor and addressed the house on the subject before it.

Mr. Barrett offered some remarks in reply to Mr. Wharton, and in favor of a declaration under the constitution of 1824. He asked and obtained leave to submit his further views in writing; and on leave being granted, his communication was referred to the committee of twelve.

Mr. Mitchell moved that Mr. Barrett be added to the committee of

twelve; which was objected to, for the reason that one member only from each jurisdiction constituted that committee.

Mr. Robinson addressed the house at length in favor of a declaration of independence, but gave way for a motion from Mr. Everitt to adjourn, which was agreed to, and the house adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The house met pursuant to adjournment.

The following gentlemen appeared and took their seats: from the jurisdiction of Washington, Jesse Grimes; from Viesca, A. G. Perry, J. G. W. Pierson and Alexander Thompson; from Nacogdoches, William Whitaker, and from San Augustine, Henry Augustin.

Mr. Everitt on leave from the house offered the following:

*Resolved*, That Lieutenant Colonel Sandoval, who is now in this town, a prisoner of war, be discharged on his parole of honor. Ordered to lie on the table one day.

Mr. S. Houston offered a resolution instructing the committee of twelve to draw a declaration in favor of the constitution of 1824, which was opposed by Mr. Wharton, and was withdrawn by the mover.

Mr. Robinson closed his remarks on Mr. Wharton's resolution.

Mr. Wood addressed the house in favor of a declaration under the constitution of 1824.

On a call from the house the president left the chair, and being requested, he gave his opinions in relation to the character of the declaration which should be adopted as a foundation for a provisional government. After which, on motion of Mr. S. Houston, the house adjourned to half past eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 6th, 1835. }

HALF PAST EIGHT O'CLOCK, A. M. }

The house met pursuant to adjournment, the proceedings of yesterday being read.

The house took up the resolution offered yesterday by Mr. Everett, asking for the release of Lieutenant Colonel Sandoval on his parole of honor.

Mr. Wharton opposed the object of the resolution, which after some discussion, and the yeas and nays being demanded, was decided as follows, viz: Yeas, Messrs. Everitt, Zavala, 2; Nays, Messrs. Allen, Augustin, Barrett, Barnett, Burnham, Bevil, Byrom, Collard, Clements, Coe, Davis, Dyer, Fisher, Fuqua, Grimes, Harris, A. Houston, Hodges, Hanks, Horton, Hardin, Jones, Kellogg, Lester, Mitchell, Moore, Miller, Menifee, Millard, Parmer, Pierson, D. Parker, Perry, Robinson, Royall, son, Whitaker, Williamson, 45. Therefore the resolution was rejected.

Mr. Williamson asked leave to read his resolutions proposing a plan on which to found a provisional government; which was not granted; but the resolutions were referred to the committee of twelve.

Mr. Wharton asked leave of the house to offer some further remarks on his report, which, on a division being called for, was granted by the casting vote of the president.

Mr. Royal asked and obtained leave to read from Vattel in reply to Mr. Wharton.

Mr. Everitt obtained the floor, and addressed the house in favor of a declaration under the constitution 1824.

Mr. Hoxie, from the jurisdiction of Washington, presented his credentials, and took his seat.

Mr. Mitchell called for the previous question.

The president, by request, explained to members, who had taken their seats since the debate on Mr. Wharton's report, what was the question before the house.

Mr. Williamson again asked leave to read to the house his plan of a provisional government. Leave was granted.

The previous question being again called for, it was put in the following form, as suggested by Mr. S. Houston: "All in favor of a provisional government, upon the principles of the constitution of 1824, will say aye."

Whereupon the vote stood as follows:

Ayes, thirty-three; noes, fourteen.

The president again put the question in another form: "All in favor of a declaration of independence will say aye."

Whereupon the vote stood as follows:

Ayes, fifteen; nays, thirty-three.

Mr. Wood moved to enter the ayes and noes on the journal; which motion, after some remarks by Mr. Wharton, he withdrew.

Mr. Barrett, from the committee to whom was committed the duty of contracting with a printer, made a report, which was read and adopted.

By vote of the house, the rule was suspended in this case, and Mr. Mitchell offered the following resolution:

*Resolved*, That as the enemy is near us, and the land office and public records are in imminent danger, that they be taken into possession, and safely guarded from enemies and fire.

Mr. Barrett moved its reference to a special committee, with instructions to report on the meeting this afternoon. Whereupon, the following members were appointed that committee: Messrs. Mitchell, Parmer, Jones, Barrett and D. Parker, to report on the meeting of the house this afternoon.

By vote of the house, the rule was suspended in this case, and Mr. Parmer offered the following:

Whereas, there are many soldiers who have volunteered their services to defend their country, have fallen sick on the way to the field, and as many in that situation may suffer, therefore be it

*Resolved*, That this body make some provisions to bear their expenses until they join the army, or return to their homes.

And be it also

*Resolved*, That a committee of five be appointed to provide for the necessities of our army and troops on the road generally, with authority to borrow money, or originate other debts for that purpose.

Which resolutions were adopted, and the following members appointed by the chair to compose that committee, viz:

Messrs. Millard, Royall, Clements, Harris and Williamson.

On motion of Mr. Barrett, the house adjourned until two o'clock this afternoon.

TWO O'CLOCK P. M.

The house met pursuant to adjournment.

Mr. Clements offered the following resolution:

*Resolved*, That the route of the rangers who are employed, or may be employed, to protect our frontier, shall be extended from the Colorado river, their present limits, to the settlements on the Guadalupe river, &c.; and that a proportionate number of men be appointed for that purpose, equal to that employed on the balance of the frontier,

Which, on motion of Mr. Perry, was laid on the table one day.

The committee to whom was referred the subject for providing for the necessities of the army, beg leave to report that they have received from Thos. F. McKinny, by the hands of Dr. C. B. Stewart, a loan of five hundred dollars, of which they have expended, in payment of drafts on the authorities, the sum of two hundred and thirty-eight dollars, as will appear by the accompanying account, which leaves a balance in the hands of Dr. Stewart of one hundred and sixty-two dollars, and one hundred left with Messrs. Robert Mills & Co., of Brazoria, leaving a balance on hand, in all, of two hundred and sixty-two dollars. Paid to express twenty dollars after making out the account, leaves two hundred and forty-two dollars.

HENRY MILLARD, *Chairman.*

R. R. ROYAL, *Secretary.*

On motion of Mr. Everitt, the committees to whom several matters were referred, were permitted to withdraw from the house, and attend to the duties of their several committees.

There being no business before the house, on motion of Mr. Everitt it stood adjourned until seven o'clock this evening.

SEVEN O'CLOCK, P. M.

The house met pursuant to adjournment.

It being announced to the house that the president was seriously indisposed,

Whereupon Mr. Royal was called to the chair.

Mr. J. W. Parker, from the jurisdiction of Viesca, appeared and took his seat.

Mr. Wharton, from the committee of twelve, reported progress, and asked leave to sit again, which was granted.

On motion of Mr. S. Houston, the house adjourned to nine o'clock tomorrow morning.

SAN FELIPE DE AUSTIN, 7th Nov. 1832. }  
*Nine o'clock A. M.* }

The house met pursuant to adjournment.

The president being able to resume his duties, took the chair, and called the house to order.

The minutes being read of yesterday's proceedings,

Mr. Wharton asked and obtained leave to retire for a few minutes, with the committee of which he was chairman.

Mr. Wharton, with the committee of twelve, to whom was referred the duty "to make a declaration, setting forth to the world the causes that impelled us to take up arms, and the objects for which we fight," having returned, made report.

The report being read, Mr. Wharton moved that it be submitted to the house, section by section.

The first section being read,

Mr. Parker moved that the word "republican" be inserted before principles, so as to read "republican principles;" which amendment was concurred in by the house.

The several sections of the report having been separately submitted, they were unanimously adopted, as follows:

"DECLARATION OF THE PEOPLE OF TEXAS IN GENERAL  
CONVENTION ASSEMBLED."

*Whereas*, General Antonio Lopez de Santa Anna, and other military chieftains, have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican confederacy; now the good people of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE,

1st. That they have taken up arms in defence of their rights and liberties, which were threatened by the encroachments of military despots, and in defence of the republican principles of the federal constitution of Mexico, of eighteen and twenty-four.

2d. That Texas is no longer morally or civilly bound by the compact of union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the members of the Mexican confederacy as will take up arms against military despotism.

3d. That they do not acknowledge that the present authorities of the nominal Mexican republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against the said authorities whilst their troops are within the limits of Texas.

5th. That they hold it to be their right during the disorganization of the federal system, and the reign of despotism, to withdraw from the union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties, but that they will continue faithful to the Mexican government so long as that nation is governed by the constitution and laws that were formed for the government of the political association.

6th. That Texas is responsible for the expense of her armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

8th. That she will reward, by donations in lands, all who volunteer their services in her present struggle, and receive them as citizens.

These declarations we solemnly avow to the world, and call God to witness their truth and sincerity, and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity.

Mr. Mitchell, from the committee appointed in pursuance of a resolu-

tion offered by him yesterday, reported progress, and asked and obtained leave to sit again.

Mr. Royal moved that five hundred copies of the report from the committee of twelve be printed.

Mr. Everitt proposed, as an amendment, one thousand be substituted for five hundred, which being accepted by the mover, Mr. Royal, was adopted by the house.

Mr. S. Houston moved that each member of this consultation sign the declaration made by the committee of twelve, (which, on the suggestion of the President, was laid over till the report be enrolled) as soon as enrolled.

Mr. Clements called up his resolution, offered yesterday, which being read, Mr. Perry proposed an amendment, which was accepted. Mr. Wharton moved its reference to a special committee.

Mr. Perry suggested, that as the permanent council had already acted on this subject, it might not, perhaps, be necessary.

On the suggestion of Mr. Royal, both the original resolution, as offered by Mr. Clements, and the amendment proposed by Mr. Perry, were withdrawn, and the following, embracing both, was offered by Mr. Clements:

*Resolved*, That a committee of five be appointed to report amendments to the acts of the council on the subject of rangers on the frontiers, and to extend the line from the Colorado to the Cibollo river.

Whereupon the following members were appointed that committee: Messrs. D. Parker, Clements, Lester, Perry and Martin.

The rule of the house being suspended in this case, Mr. Millard submitted the following:

*Resolved*, That a committee of twelve, one from each municipality represented in this consultation, be appointed by the president to draw up and submit a plan or system of a provisional government for all Texas; which was adopted.

In pursuance of the above, the president named the following members to compose that committee: Messrs. Millard, Jones, Wilson, Dyer, Hoxie, Lester, H. Smith, Arrington, Thompson, Robinson, Everitt and A. Houston.

Mr. Millard asked and obtained leave to retire with the committee of which he was chairman.

On motion of Mr. W. Smith, the house adjourned to two o'clock P. M.

TWO O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. S. Houston, in order to afford to the several committees time to prepare their reports,

The house adjourned until to-morrow morning 9 o'clock.

SAN FELIPE DE AUSTIN, Nov. 8, 1835. }  
*Nine o'clock A. M.* }

The house met pursuant to adjournment.

The journals of yesterday were read and corrected.

Col. D. B. Macomb presented his credentials, and took his seat.

Mr. S. Houston moved that the members present sign "the declaration setting forth the causes of our taking up arms," reported by the committee, and adopted by the house yesterday, and that such members

as were then not present, should be requested to put their signature to it at any convenient opportunity hereafter, which was concurred in by the house.

Mr. Wharton, from the committee to whom was referred the communications from "the committee at New Orleans, on the affairs of Texas," and the letter from A. C. Allen, making proposals to fit out an armed vessel, made the following reports, which were adopted:

Your committee, to whom was referred the papers and documents received from the committee at the city of New Orleans, presented by Mr. E. Hall, have had the same under consideration, and beg leave

#### TO REPORT:

That the communications from the committee of New Orleans, of which Wm. Christy and James Ramage, Esqrs., were the acting members, contain information of the most important and flattering nature. The committee informs us that one company of fifty men, well armed and provided, will leave there on the 21st ultimo, to go *via* Natchitoches—another, numbering sixty-five, would accompany Mr. Hall; "and a vessel well furnished and manned, by about one hundred and fifty efficient emigrants, would sail about the 27th ultimo for Tampico, under the command of Gen. Mexia." The committee, in conclusion, say to us, "with such acquisitions to your present force and resources, we trust that matters will be brought to a speedy and glorious termination. God be with you." Mr. Hall in his statement to this committee says, "that the amount subscribed by the citizens of New Orleans, previous to his leaving, was about seven thousand dollars—three thousand five hundred of which was expended by him in arming and equipping, &c., one hundred men, and furnishing provisions, saddles, bridles, &c. to sixty-five of that number, called the Volunteer Grays, who accompanied him to Brazoria, and immediately repaired to Goliad. The fifty men sent to Nacogdoches were furnished with arms and equipments, only trusting to the inhabitants of the country through which they may pass, for further necessary supplies; "and that seventy-eight barrels of navy bread, two barrels of beans and two barrels of pork, for the use of the army, to be forwarded as the convention may deem proper," were left in the hands of E. Andrews, Esq. at Brazoria. He further states that, that "the committee at New Orleans were daily receiving subscriptions, which are probably augmented to ten or fifteen thousand dollars, to be expended in further supplies of arms, ammunition, &c. &c. There are also volunteer companies being formed for the service of this country, and are only waiting for communications from your convention to tender their immediate services.

Your committee, therefore, recommend the adoption of the following resolution:

*Be it resolved by the consultation of the chosen delegates of all Texas in general convention assembled.* That the following letter be signed by the president and secretary, and be forwarded by Mr. E. Hall to the committee at the city of New Orleans.

SAN FELIPE DE AUSTIN, Nov. 6th, 1835.

*Gentlemen:* We received your communication of the twentieth ultimo, and accompanying papers, by Mr. E. Hall, and for them this convention is happy to learn that the patriotic and liberal citizens of the city of New

Orleans have so generously extended their munificent hand, in timely aid of their brethren in Texas, who are now battling under the walls of San Antonio for constitutional liberty and the rights of man, as did their forefathers of the north on Bunker's Hill and on Charlestown plains, and as your own brave citizens did against a mercenary soldiery, who fought for "booty and beauty."

This consultation of the chosen delegates of all Texas in general convention assembled, deeply impressed with a sense of gratitude for the succor that has been sent, and for the sympathy that has been manifested for our citizens who are threatened by the military despot of Mexico, that unless they yield unconditional submission they shall feel the iron rod of unrelenting oppression, tender their most grateful acknowledgements to the citizens of your city for their kindness and fraternal feeling and interposition, and we trust that no act of ours will ever cause a blush of shame upon their cheek at the remembrance of the early support they gave the cause of free institutions in Texas.

Any who embark in our cause, in the army or navy, shall be liberally rewarded in land and money, and in the blessings of a grateful and redeemed people. We would solicit a continuance of your kind offices, until we are delivered from the unhallowed grasp of our oppressors, and put in undisputable possession of our inalienable rights. And we would respectfully suggest, that in sending us any supplies of men, money or munitions of war, that you direct them not to land west of the bay of Mata-gorda, and perhaps the mouth of the Brazos river would be the most advisable point to land whatever support our friends may send, to enable us to defend the rights guaranteed by the constitution of 1824.

The address of the president of the convention, on taking the chair, which is herewith transmitted, will give you and through you, the citizens of Louisiana, a succinct view of the objects for which this body has assembled.

Signed by order of the consultation of the chosen delegates of all Texas, in general convention assembled.

The committee to whom was referred the letter of Mr. A. C. Allen, containing proposals to arm, man and fit out a vessel mounting nine guns, and fifty stand of small arms, with fifty volunteers on board and four months provisions, to cruise off our coast as a privateer; have had the same under consideration, and beg leave to

*Report*, That they view the protection and defence of our seaboard of the greatest importance in the present crisis; they would, therefore, respectfully recommend the adoption of the following resolutions:

*Be it resolved* By the consultation of the chosen delegates of all Texas in general convention assembled, That the proposal of Mr. A. C. Allen, to cruise off our coast, with such vessel as he may think proper to arm and man as a privateer be accepted by this convention, and that all the authority vested in this body be given and granted unto the said Allen to cruise as aforesaid.

*Be it further resolved*, That the president of the convention inform Mr. Allen of the acceptance of his proposal, and that a suitable commission will be placed in his hands on his application to the executive.

*Be it further resolved*, That the thanks of this convention be tendered to Mr. Allen, for his patriotism and devotion in our struggle for constitu-

tional liberty, and that the president cause a copy of the foregoing resolutions to be communicated to Mr. Allen.

Mr. Millard from the committee of twelve to whom was committed the duty "to draw up or submit a plan or system for a provisional government for all Texas," reported progress, asked and obtained leave to sit again.

On motion of Mr. A. Houston,

*Resolved*, That there be a person appointed to translate such documents or proceedings of this house as may be required. Mr. Zavala tendered his services under the above resolution, which were accepted.

The president presented certain papers and letters from officers of the army of the people, which Mr. Wharton, by request of the chair, read to the house, and then moved their reference to the military committee, which was concurred in.

Mr. Barrett moved that Governor Zavala be requested to translate into Spanish the declaration for a provisional government, and that five hundred copies thus translated be printed for distribution among our Mexican fellow citizens of the republic. Which motion was concurred in.

Mr. Barrett moved an adjournment until nine o'clock to-morrow morning; but before the motion was put Mr. Williamson moved that Mr. Macomb be added to the military committee, which was agreed to.

The question was then put on adjournment, whereupon a division was called for, and was decided as follows, ayes 27, noes 22; so the house adjourned to nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 9th, 1835. }

NINE O'CLOCK, A. M. }

The house met pursuant to adjournment, the journals of yesterday's proceedings were read.

Mr. Zavala desired the secretary to omit in the proceedings of this body the title of governor, by which he had heretofore been distinguished.

On motion of Mr. Robinson, the secretary was directed to erase from before the name of any member of this house any title which may have been given, when such title may appear on the journals' of this consultation.

Mr. Parker from the committee to whom was referred the resolution of Mr. Clements respecting the rangers, made report, which was read and adopted, as follows:

The committee to whom was referred the resolution of Mr. Clements, on the subject of a line of rangers from the Neches river to the Colorado, has had the same under consideration, and beg leave to report the following resolution:

*Resolved*, That we recognise the acts of the general council on that subject, sufficient for the present emergency. That said line of rangers be extended from the Colorado river to the Cibollo, with a company of twenty rangers under the superintendance of G. W. Davis, who shall be governed by the same resolutions and instructions of the other superintendent heretofore given; and that the said George W. Davis, make his place of rendezvous at the place known by the big spring or head of St. Mark's river.

From the information before your committee, they recommend that the acts of Silas M. Parker, in the organization of the company of rangers

under his superintendance, before they reached the proper place of rendezvous, be recognized; and that the said S. M. Parker be authorized to add ten more men to the company, by and under the former authority and rules.

Your committee further recommend that the said superintendant be authorised to draw upon John Lott, at Washington, (with whom there is a considerable quantity of ammunition deposited,) for ammunition sufficient to supply their several companies, or at such other places as public ammunition may be deposited.

DANIEL PARKER, *Chairman.*

Mr. Millard from the committee of twelve, to whom was committed the duty "to draw up and submit a plan or system for a provisional government for all Texas," stated to the house that the business of the committee had been entrusted to two sub-committees, both of which were ready to report through their respective chairmen.

Whereupon, Mr. Henry Smith read to the convention the plan for the civil department of the government, and Mr. A. Houston read the plan for the proposed military arrangement. These comprising the entire report, were submitted to the house by the chairman.

Mr. Parmer moved, that that part of the report relating to the military department, be laid on the table until two o'clock, P. M.

Mr. Barrett thought it advisable to pursue the same course in relation to the proposed civil arrangement. Whereupon a division being called for, the ayes were thirty-three; so the entire report was ordered to lie on the table until two o'clock P. M.

Mr. S. Houston moved, that the chairman of each sub-committee, under the committee of twelve, read again to the house the report of his particular department of the proposed government, which was agreed to.

Mr. Hanks submitted the following: *Whereas*, a portion of the settlers on Red River, within the limits of the state of Texas, who have not been notified of the proceedings growing out of the invasion of our constitutional rights, by a lawless usurper General Santa Anna.

*Be it resolved*, That these people be invited to co-operate with us in the declaration proclaimed by this consultation, and that a copy of this declaration be furnished them, and to all the states of the Mexican republic.

An amendment was offered by Mr. Barrett, to add "and to each municipality of the department of Bexar."

Messrs. Robinson and Williamson urged its adoption by the house.

Mr. S. Houston asked and obtained leave to read part of a certain printed circular.

Mr. Martin urged the propriety of its being received.

Mr. Barrett moved the following amendment, which was accepted by the mover of the original resolution, Mr. Hanks, "and to the people of each municipality of the department of Bexar."

Whereupon the question was then put, as respects the resolution and its amendment, and was unanimously adopted.

On motion of Mr. Robinson,

*Resolved*, That a committee of five be appointed to enquire into the expediency of authorizing an agent to purchase arms, ammunition, &c., and

to invite volunteers to come to our aid, with power to report by resolution or otherwise, which was adopted.

On motion of Mr. Jones,

*Resolved*, That the volunteers now in service under the command of general Stephen F. Austin, who continue in service until the reduction of San Antonio, or until they receive an honorable discharge, shall be entitled to fifteen dollars per month, from the time they left their homes until they return to them.

Mr. Parmer proposed the substitution of twenty for fifteen, which was accepted.

Mr. Royal offered the following amendment.

“And shall also receive such other donations of land as this government shall vote them for their patriotism, and be remunerated for all losses of private property or money expended in the service of our country,” which was also accepted.

The resolution, with amendments, by rule of the house was laid on the table for one day.

On motion of Mr. Williamson, the house adjourned until 2 o'clock, P. M.

TWO O'CLOCK P. M.

The house met pursuant to adjournment.

On motion of Mr. J. W. Parker,

*Resolved*, That the president be requested to authorize Mr. S. M. Parker to engage ten rangers in addition to his present number, (twenty-five) under the regulations adopted by the general council, also to empower Mr. G. W. Davis to raise twenty rangers, agreeably to the resolutions and arrangements made by this convention, which was adopted.

Mr. Whitaker moved a reconsideration of the above, which was agreed to.

Mr. Barrett moved that the original resolution be referred to the committee which reported on this subject this morning, but which, on the suggestion of Mr. Martin, he withdrew.

Mr. D. Parker then moved that the President cause to be made out orders in pursuance of the report and resolutions on this subject, received and adopted by this house this morning, which was concurred in.

The order of the day was then called up, being the consideration of the report of the committee of twelve, when Mr. Everitt moved its suspension, in order to afford the minority of that committee an opportunity to read their report.

Whereupon a division being called for, the vote was for suspension, twenty, and against, twenty-one, so the house proceeded to the consideration of the report of the committee of twelve.

Mr. Henry Smith having read the preamble to the report,

Mr. Barrett moved to strike it out. The question was then put, when a division was called for, and it was ordered to be stricken out.

Mr. Collard moved that the report be referred to a committee of five, which was agreed to.

The president wished that the house would elect that committee.

On motion, the rule in this case was suspended, and the following persons were appointed the committee by the house: Messrs. Barrett, Hanks, Williamson, D. Parker, and Zavala.

On motion of Mr. S. Houston, the committee were permitted to withdraw from the service of the house, to prepare and submit their report as soon as possible.

On motion of Mr. H. Smith, *Resolved*, that the consultation of the chosen delegates of all Texas, in general convention assembled, viewing with the highest sense of gratitude the disinterested, bold, manly patriotic, and energetic measures adopted by our friend, captain E. Hall, late of New Orleans, for the purpose of aiding Texas in her struggle for constitutional liberty, therefore,

*Be it resolved*, That, as a tribute of respect to captain Hall, for his kind interposition in our behalf, that he is hereby authorized to locate one league of land on any of the public domain of Texas, not otherwise appropriated; and that a copy of these resolutions be furnished to captain E. Hall, signed by the president and secretary of this body, which resolutions were unanimously adopted.

Mr. Robinson, from the committee to whom was referred the subject "of the propriety and expediency of authorizing an agent to purchase arms, &c.," made the following report, which was read and adopted.

Your committee to whom was referred the resolution to enquire into the expediency of authorizing an agent to purchase arms, ammunition, &c., and to invite volunteers to come to our aid, with leave to report by resolution or otherwise, have had the same under consideration, and are ready to report,

That the safety of our country requires that additional supplies of cannon, mortars, ammunition, and suitable equipages are indispensably necessary; and that an agent ought to be immediately appointed for that purpose, and that they therefore advise the adoption of the following resolution.

*Be it resolved*, by the consultation of the chosen delegates of all Texas, in general convention assembled, that Mr. E. Hall, the agent of the committee of New Orleans, be, and he is hereby authorized to purchase two long eighteen pound cannon, with all the necessary equipage, completely mounted on carriages, suitable for the field service, with two hundred rounds of powder, and round ball for each cannon; and that he be authorized to purchase one twelve inch howitzer, well mounted, with the necessary equipage for field service, with two hundred bombshells, suitable to the calibre of the same: and that he be authorized to call upon the committee at New Orleans, for money to pay for the same; and that he be instructed to return to this country, with the said supplies, with all possible despatch; and that the president of this convention be requested to cause a copy of the foregoing resolutions to be transmitted to Mr. Hall.

On motion of Mr. S. Houston, the house adjourned until eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, EIGHT O'CLOCK, }  
November 10, 1835.

The house met pursuant to adjournment.

The Journals of yesterday's proceedings being read,

Mr. Barrett, from the special committee of five, to whom was referred the report of the committee of twelve, made report.

The plan of the civil and military department of the proposed provisional government having been read,

On motion of Mr. M'Comb, it was *Resolved*, That the house go into committee of the whole, for the purpose of considering said report, when

Mr. Martin was called to the chair. After some time the committee rose, and through their chairman, Mr. Martin, reported progress.

Mr. M. W. Smith moved that the reports of the committees of twelve and five be referred to a select committee of five.

Mr. S. Houston opposed the re-committing of said report to a committee of five: was lost.

Mr. Whitaker moved, and it was *Resolved*, That the house go again into a committee of the whole, for the purpose of considering the reports of the committees of twelve and five, upon the subject of a plan of a provisional government.

Mr. Robinson was called to the chair, and after some time spent in discussion, the committee rose, and through their chairman reported that they had adopted the report of the committee of five, as the basis whereon to report the plan of a provisional government of Texas, founded upon the declaration of this body of seventh November instant.

On motion the house adjourned until eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 11, 1835. }  
Eight o'clock, A. M. }

The house met pursuant to adjournment.

The journal of the proceedings of yesterday was read.

Mr. Robinson, from the committee of the whole house, to which had been referred the reports of the committees of twelve and five, made report,

That they had had the same under consideration, and begged leave to offer the following to the house, viz: that they had adopted the report of the committee of five, as the basis whereon the plan of a provisional government for Texas, founded upon the declaration of this body of the seventh inst., which he now reported and offered to the house.

The house then took up the report from the committee of the whole, when the first section of the civil department being read, was adopted.

The second section was read, amended, and adopted.

The third section was read, amended, and adopted.

The fourth section was read and adopted.

The fifth section was read, amended, and adopted.

The sixth section was read, amended, and adopted.

The seventh section was read and adopted.

The eighth section was read and adopted.

The ninth section was read and adopted.

The tenth section was read, amended, and adopted.

The eleventh section was read and adopted.

The twelfth section was read and adopted.

The thirteenth section was read and adopted.

The fourteenth section was read, and on motion was divided, so that the question should be taken on each clause, separately.

Before the question was put on the adoption, the house, on motion of Mr. Williamson, adjourned to half past two o'clock, P. M.

HALF PAST TWO O'CLOCK, P. M.

The house met pursuant to adjournment.

The question was resumed upon the fourteenth section of the report of the committee of the whole.

The first clause was read and adopted.

An amendment offered to the second clause, by Mr. Williamson, was rejected.

Mr. D. Parker moved that the latter clause of this section be not acted upon by this house before to-morrow morning at nine o'clock, which motion was lost.

The latter clause of the fourteenth section was again read, and on motion of Mr. Mitchell adopted.

Mr. S. Houston moved that the fourteenth section be so amended as to require the commissioners to be appointed under that section, to demand and take in charge all public documents, particularly those in the hands of the political chief of the department of Nacogdoches; and that the said political chief cease his functions immediately; which was concurred in.

Mr. Barrett offered an amendment, which was received.

The fifteenth section was read and adopted.

The sixteenth section was read and adopted.

The seventeenth section was read and adopted.

Mr. D. Parker offered an amendment to this section, which was lost.

Mr. Robinson offered the following as an additional section, to be called section eighteenth, which was adopted, viz:

*Section 18.* All grants, sales, and conveyances of lands, illegally or fraudulently made by the legislature of the state of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

Mr. Everitt offered an additional section, to be called section nineteen, which was adopted, as follows:

*Section 19.* That all persons who leave the country in its present crisis, with a view to avoid a participancy in its present struggle, (without permission of the alcalde or judge of their municipality,) shall forfeit all or any lands they may hold or have claim to, for the benefit of this government: *provided, nevertheless,* that widows and minors are not included in this provision.

Mr. A. Houston offered an additional section, to be called section twenty, fixing the time and place of the re-assembling of the consultation, which was adopted.

The report of the military department was then taken up.

The first section was read and adopted.

The second section was read and adopted.

The third section was read, and the amendment offered by Mr. Parmer being rejected, was adopted.

The fourth section was read and adopted.

The fifth section was read, amended and adopted.

The sixth section was read, amended and adopted.

The seventh section was read and adopted.

The eighth section was read and adopted.

The ninth section was read, amended and adopted.

The tenth section was read, amended and adopted.

The eleventh section was read, amended and adopted.

The twelfth section was read, amended and adopted.

Mr. S. Houston, from the select committee of three, to whom was referred our relations with the Cherokee Indians and their associate bands, made report.

On motion of Mr. Barrett, it was received and adopted.

Mr. S. Houston moved its recommitment, that a declaration may be drawn up, as recommended in the report, to be signed by the members of this consultation.

Mr. Hanks from the committee to whom was referred the resolution having for its object an invitation to the settlers on Red River to join in our declaration of the 7th November, made the following report, which was read, amended and adopted, as follows, viz:

The committee to whom was referred the matter in regard to a portion of our settlers on Red River, within the limits of Texas, as also of that portion of Texas not represented in this convention,

#### R E P O R T:

That as the settlement on Red River is remote from the other settlements in Texas, that they be formed into a separate municipality, and that they be invited to send delegates to this convention, which is to meet on the first day of March next, and that they elect immediately, and send a member to the council of Texas.

And further recommend, that they co-operate with the governor and council, and that they forthwith raise and send into the field, in defence of their rights, a reasonable proportion of men. And that the people in the department of Bexar, and all other parts of Texas, not represented in this body, be invited forthwith to send delegates to the council, and also to the convention, to sit on the first day of March next. And that all parts of Texas that have not raised troops, and sent them to the aid of their countrymen, that they be immediately requested to do so.

On motion of Mr. Parmer.

*Resolved*, That the district of Tenehaw be set off into a municipality, and that the town of Nashville be their seat of justice.

*Resolved*, That there be an ayuntamiento elected immediately after the passage of this resolution; and that Messrs. Jonathan Tucker and Jonas Harris be appointed to hold their elections.

Which resolutions were adopted.

The resolution offered by Mr. Jones, on the ninth instant, was then called up, together with the amendments which had been accepted, and was adopted.

Mr. Barrett submitted the following:

*Whereas*, the publishers of the "Telegraph and Texas Register" represent that they have not exceeding three hundred subscribers; which, admitting all to be responsible, would not amount to thirty dollars per week; that from a suspension of business their subscription list amounts to little; that for the intelligence of the army, and the information of what is doing in Texas, they have sent a considerable number to the principal cities of the United States: therefore

*Resolved*, That, for the purposes above mentioned, the convention authorize the said publishers to continue to forward fifty numbers to the

army, and the same number to the principal cities in the United States, and to furnish each member with a paper during the session of this body; and that the expenses of the same be paid by the public, at subscription prices.

Ordered to lie on the table one day.

The house, on motion of M. W. Smith, adjourned to nine o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, 12th Nov. 1835. }  
*Nine o'clock A. M.* }

The house met pursuant to adjournment.

The journals of proceedings of yesterday were read.

The resolution offered yesterday, by Mr. Barrett, respecting the subscription to the Telegraph and Texas Register, was called up, and, on motion of Mr. Wharton, was laid on the table until to-morrow.

The president communicated to the house certain propositions from M. B. Lamar, of Columbus, Georgia; which were laid on the table.

Mr. Wharton asked and obtained leave to read to the house a letter addressed to the president of the consultation; which was laid on the table.

Mr. Macomb offered the following:

*Resolved*, That the major general of the army, under the direction of the governor and council, be required to put in a state of immediate defence, against the incursions of the enemy, the posts of Galveston Bay, Velasco, and Matagorda Bay.

Which was ordered to lie on the table.

Mr. Perry proposed a substitute for that clause of the fourteenth section relating to land offices in the plan for a provisional government.

Which was laid on the table until two o'clock P. M.

On motion of Mr. Everitt, the house went into an election for officers for the provisional government.

The rule, in this case, being suspended,

Mr. Martin nominated for governor, S. F. Austin.

Mr. Parmer nominated for governor, Henry Smith.

Mr. Everitt nominated for lieutenant governor, J. W. Robinson.

When there appeared for Henry Smith, for governor, 31

For S. F. Austin, " 22

For J. W. Robinson, lieut. do. 52

Whereupon Mr. Henry Smith was declared duly elected governor, and J. W. Robinson, lieutenant governor.

Mr. S. Houston asked and obtained leave to read a letter from an officer in the army.

On motion of Mr. Wharton, the house adjourned for fifteen minutes.

The house again met at the expiration of the time for which it adjourned.

When, on motion of Mr. Everitt, they went into an election for major general.

The rule, in this case, being suspended,

On motion of M. W. Smith, S. Houston was elected major general of the armies of Texas.

Whereupon, General Houston, in an eloquent address, thanked the

house for the evidence just given of their confidence in his patriotism and abilities.

On motion of Mr. A. Houston,

*Resolved*, That there be three commissioners appointed by this body, as agents of the United States of North America, to be commissioned by the governor and council; who shall delegate them such powers, and give them such instructions, as the governor and council may deem expedient.

Which was adopted.

The rule in this case being suspended, Messrs. B. T. Archer, W. H. Wharton and S. F. Austin, were duly elected commissioners under the foregoing resolution.

The president in a very appropriate address tendered to the house his acknowledgements for this additional evidence of their confidence in his zeal, talents and integrity. He then communicated to the house several letters from the army and from the United States.

Mr. Barrett, at the request of the president, (the lobbies being closed,) read a letter addressed to him by General S. F. Austin. And on motion of Mr. Barrett, the several letters were referred to a special committee of five, with instructions to report to the house as soon as possible.

Which was concurred in; whereupon, Messrs. Barrett, A. Houston, Martin, Macomb and Williamson, were appointed that committee. Mr. Zavala was then added to the committee.

On motion, the house adjourned to half past two o'clock, P. M.

HALF PAST TWO O'CLOCK, P. M.

The house met pursuant to adjournment; leave of absence was granted to Mr. Augustine, for the remainder of the session.

On motion of Mr. Perry, the house proceeded to the election for the members of the general council; when it appeared that the following persons were duly elected members of the general council, for their respective municipalities, as follows:

From the municipality of San Augustine,	A. Houston.
"	Austin, Wm. Meniffee.
"	Nacogdoches, Dan'l Parker.
"	Washington, Jesse Grimes.
"	Viesca, A. G. Perry.
"	Mina, D. C. Barrett.
"	Liberty, Henry Millard.
"	Tenehaw, Martin Parmer.
"	Gonzales, J. D. Clements.
"	Matagorda, R. R. Royal.
"	Harrisburg, W. P. Harris.
"	Columbia, E. Waller.
"	Bevil, W. Hanks.

The oath of office was then administered by the president of the consultation to the officers of the provisional government.

Whereupon, the convention adjourned for fifteen minutes, to afford an opportunity to the governor and council to organize. The house again met after the expiration of the time for which they had adjourned.

The substitute for the fourteenth section of the civil department of the provisional government, offered by Mr. Perry, was rejected. The

amendment offered by Mr. Barrett, "That the archives of the different municipal officers and judges be handed over to their several successors, and that the papers and archives of the political chiefs of the departments of Brazos and Nacogdoches, be forthwith transmitted to the governor and council for their disposal; was, on motion of Mr. S. Houston, adopted.

Mr. M. W. Smith offered a resolution, having for its object a modification of the fourteenth section, as far as that section relates to land offices, as follows, which was rejected:

The ayuntamiento's of jurisdictions wherein there may be land offices established, shall take charge of the papers of the same, and the same safely keep, during the effect of what is heretofore provided, and report thereon to the governor and council.

On motion of Mr. Waller; whereas, the late jurisdiction of Brazoria was changed in name, to that of Columbia, and the seat of justice removed to the town of Columbia, by the congress of Coahuila and Texas, contrary to the wishes, inclinations and interests of a large majority of the citizens of that jurisdiction; therefore,

*Be it resolved*, That the name of the said jurisdiction be changed, and hereafter called and known by its former name, and the seat of justice established in the town of Brazoria. Which resolution was adopted.

On motion of Mr. Whitaker, the consultation will refuse, hereafter, any matter which the governor and council can act upon.

The following persons were appointed commissioners under the fourteenth section, to take in charge, examine and safely keep the papers and documents relating to the land offices:

Department of Brazos, Messrs. Mitchell, Wharton, Dyer.

Department of Nacogdoches, Messrs. A. E. C. Johnson, S. H. Everitt, J. Leplesser.

The house, on motion, adjourned to eight o'clock this evening.

#### EIGHT O'CLOCK, EVENING.

The house met pursuant to adjournment.

Mr. Barrett, to whom had been referred certain letters, reported progress, and asked, and had leave to sit again.

On motion of Mr. Waller, *Resolved*, That an express be forthwith sent to the army, requesting the members elect, as commissioners to represent us in the United States of North America, W. H. Wharton and S. F. Austin, to repair immediately to this place for the purpose of accepting their commissions. Which was agreed to.

Mr. Hanks was appointed to carry an express to the army.

On motion of Mr. S. Houston, *Resolved*, by the consultation of the chosen delegates of all Texas, in general convention assembled, That the thanks of this body be returned to the army of the people, for their perseverance, firmness, patriotism and courage in defending the liberties of Texas, and in resisting the encroachments of despotism; and that the president cause a copy of the foregoing resolution to be communicated to the army.

On motion of Mr. W. Smith, the house adjourned until eight o'clock to-morrow morning.

SAN FELIPE DE AUSTIN, Nov. 13th, 1835. }  
EIGHT O'CLOCK, A. M. }

The house met pursuant to adjournment, the journals of the proceedings of yesterday were read.

Mr. Barrett, from the select committee to whom was referred sundry papers and letters, made the following report: which was unanimously adopted.

To the honorable the consultation of all Texas, in general convention assembled—

The select committee, to whom was referred the several letters from General Austin, and other officers of the colonial army, near Bexar, and sundry other communications and documents, connected with our military operations; respectfully reports—

That the communications of General Stephen F. Austin, of the fifth instant, presents several matters interesting and important in our present attitude of resistance against the destroyers of our constitution, and the principles of a military despotism. The subjects are first presented for your consideration, upon which your committee deem it proper to report.

*First.* The granting letters of marque and reprisal to cruisers upon the high seas by the "provisional government of Texas." This convention, in adopting the declaration of the seventh of November, have organized this power, and by the provisions of the resolution constituting a provisional government, have vested this authority in the governor and general council; consequently these requires no further action upon the subject by this house during its present session.

The *second* contemplates an expedition from New Orleans against Matamoros. This subject your committee regards as important, and concur with the views of the commanding general, as to its certain effects of crippling the enemy and distracting his movements. Your committee, however, from documents now in their possession, have it in their power to inform this house, that a small force of one hundred and fifty men, commanded by General Mexia, armed and equipped at his own expense, has sailed from New Orleans for the port of Tampico, or Matamoros, and that a descent from that quarter, from whatever source, in the opinion of your committee, will produce the consequences of annoying the enemy at one unexpected point, and prevent reinforcements being sent to Bexar. Should further operations, hereafter, seem expedient in aiding the enterprise of General Mexia, it enters into the duties of the governor and council of Texas.

Your committee feel bound to report to this house, the grateful emotions induced by the disinterested offer of Major Francis F. Belton, of the United States army, to become the inspector of cannon, arms and other military stores, to be purchased at New Orleans and Mobile, for the use of Texas; and recommend that his services be accepted, and a vote of thanks be passed and recorded upon the journals of this house, and that a copy thereof be forwarded by the president to Major Belton; at the same time informing him of the appointment of Capt. E. Hall, an experienced officer, who is now engaged in performing the same duties, upon a similar offer, who will be united with him.

Your committee in reporting the magnanimous and generous patriotism of Stephen F. Austin, J. W. Fannin and B. F. Smith, in their

prompt and voluntary offer, to place their lands and other property at the disposal of this house, to be used as sureties for raising funds in aid of their suffering country, at war with the enemies of their rights and liberties; rejoice in seeing such noble acts recorded with the proceedings of this body, in such time of difficulty and danger, and recommend a letter of thanks, expressive of the grateful sense of this house, for offers so benevolent and liberal, and that this house accept their several offers, to be used only when imperiously demanded in the most extreme emergency.

Your committee, before closing their report, would respectfully call the attention of this house to the army now in the field. This force is composed of volunteers from every rank of citizens in the country, whose services generally commenced before the assembling of this house, and as their movements have hitherto been regulated by officers of their own choice, no obligation can be imposed upon them to submit to the control of the provisional government; advisory communications are all that can be made to them, nevertheless, your committee recommends that every honorable inducement should be held out for their continuance in their country's service, at any rate until a regular army be ready to take the field, and should Bexar so long hold out against their efforts. Already have this house passed resolutions for their individual compensation, when the resources of the country will permit. The land offices have been closed, that no advantage should be taken over the soldier in the field in making his selection of lands; the gratitude of this body, as the representatives of the people of all Texas, has been twice expressed and entered upon the journals of the house, and every effort used to afford supplies of ammunition and provisions within the power of the late council, and of this body; these efforts we recommend to be continued, and that this house recommend the members of the army to elect such officers as are wanting, and that all the officers report themselves to the governor and council for commissions; that their respective ranks be known of record for purposes obviously necessary for their future compensation, and that of the soldiers under them, who may receive discharges from their respective officers, that they may be fully known when a grateful country shall be able to express her thanks in bounties more substantial than mere words. Your committee recommend that the army be encouraged to persevere, with the assurance that every exertion will be used by the provisional government, to aid, comfort and support it which it has within its power, and will co-operate in forwarding its operations.

Your committee would suggest, that much encouragement is afforded for perseverance in military operations, from the unsettled state of the Mexican government. The apprehension of resistance from the citizens of the republic, is admitted in a late report of a committee of congress, contained in their plan of a form of government, intended to be enforced upon the people by the exertion of military power, against their consent. This disposition will prevent the usurper, Santa Anna, from reinforcing the troops now arrayed against Texas; and gives hopes of a co-operation of our Mexican brethren, in the glorious cause of liberty and the constitution, in which Texas has set the noble example.

D. C. BARRETT, *Chairman of the Committee.*

*Committee Room, Nov. 13th, 1838.*

On motion of Mr. Mitchell, Robert Peebles was appointed a commissioner under the fourteenth section of the act providing for a government, called the "provisional government," in the place of Mr. John A. Wharton.

On motion of Mr. S. Houston, the house took up the ordinances establishing a provional government for Texas; whereupon, after several amendments were made, it was, on motion of Mr. Macomb, adopted.

On motion, Messrs. Barrett, Kellogg and Allen, were appointed a committee of enrollment, and were permitted to retire with the secretary to enroll the ordinance just adopted by this convention.

On motion, the house adjourned to six o'clock this evening, to obtain the signatures of the members to the ordinance just past establishing a provisional government; also to receive and sign the *declaration*, prepared on a resolution from this house, passed the eleventh instant, respecting the "Cherokee Indians and their associate bands."

SIX O'CLOCK, P. M.

The house met pursuant to adjournment.

On motion, the members were called to sign the ordinance "establishing a provisional government" by municipalities.

The following is the ordinance thus signed by every member present:

CONVENTION HALL, SAN FELIPE DE AUSTIN, }  
November 13th, 1835. }

To the honorable the consultation of the chosen delegates of all Texas, in general convention assembled—

Your committee of three to whom was committed the charge of enrolling the plan and powers of the provisional government of Texas, as finally adopted by this house, respectfully submit the following for your consideration and adoption:

D. C. BARRETT, *Chairman.*  
A. G. KELLOGG,  
S. T. ALLEN.

#### ARTICLE I.

That there shall be and there is hereby created, a provisional government for Texas; which shall consist of a governor, a lieutenant governor and a council, to be elected from this body; one member from each municipality, by the majority of each separate delegation present, and the governor and lieutenant governor shall be elected by this body.

#### ARTICLE II.

The lieutenant governor shall be president of the council, and perform the duties of governor in case of death, absence or from other inability of the governor, during which time a president "pro tem." shall be appointed, to perform the duties of the lieutenant governor in council.

## ARTICLE III.

The duties of the general council shall be to devise ways and means, to advise and assist the governor in the discharge of his functions; they shall pass no laws, except such as in their opinion the emergency of the country requires, ever keeping in view the army in the field, and the means necessary for its comfort and support, they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence. Two thirds of the members elect of the general council shall form a quorum to do business; and in order that no vacancy shall happen in the council, if any member, from death or other casualty, shall be incapacitated to act, the governor shall immediately, on information thereof, notify the member elected to fill vacancies, and on his default, any member who has been elected to this body from the same jurisdiction. The governor and council shall be authorised to contract for loans, not to exceed one million of dollars, and to hypothecate the public land, and pledge the faith of the country for the security of payment. That they have the power to impose and regulate imposts and tonnage duties, and provide for their collection under such regulations as may be the most expedient.

They shall have power, and it is hereby made the duty of the governor and council to treat with the several tribes of Indians concerning their land claims, and if possible to secure their friendship. They shall establish post offices and post roads, and regulate the rates of postage, and appoint a postmaster general, who shall have competent powers for conducting this department of the provisional government, under such rules and regulations as the governor and council may prescribe. They shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high courts of admiralty, agreeably to the law of nations.

They shall have power to appoint their own secretary, and other officers of their own body; also, that they have the power to create and fill such offices as they may deem proper: *Provided nevertheless*, That this power does not extend to officers heretofore rejected by this house.

That the governor and council have power to organize, reduce or increase the regular forces, as they may deem the emergencies of the country require.

## ARTICLE IV.

The governor, for the time being, and during the existence of the provisional government, shall be clothed with full and ample executive powers, and shall be commander-in-chief of the army and navy, and of all the military forces of Texas, by sea and by land; and he shall have full power, by himself, by and with the consent of the council, and by his proper commander, or other officers, from time to time, to train, instruct, exercise and govern the militia and navy, and for the special defence and safety of the country, to assemble in martial array, and put in warlike attitude, the inhabitants thereof, and to lead and conduct them by his proper officers; and with them to encounter, repel, resist and pursue, by force of arms, as well by sea as by land, within or without the limits of Texas; and also to destroy, if necessary, and conquer, by all proper ways, and enterprizes, and means, whatever, all and every such person or per-

sons as shall, at any time, in a hostile manner, attempt or enterprize the destruction of our liberties or the invasion, detriment or annoyance of the country; and his proper officers use and exercise over the army and navy, and the militia in the actual service, the law martial, in times of war, invasion or rebellion, and to take and surprise, by all honorable ways and means consistent with the laws of nations, all and every such person or persons, with their ships, arms, ammunition and goods, as shall, in a hostile manner, invade, or attempt the invading or annoying our adopted country. And that the governor be clothed with all these and all other powers which may be thought necessary by the permanent council, calculated to aid and protect the country from her enemies.

#### ARTICLE V.

There shall be constituted a provisional judiciary in each jurisdiction represented, or which may hereafter be represented in this house, to consist of two judges, a first and second, the later only to act in the absence or inability of the first, and be nominated by the council, and commissioned by the governor.

#### ARTICLE VI.

Every judge so nominated and commissioned, shall have jurisdiction over all crimes and misdemeanors recognized and known to the common law of England; he shall have power to grant writs of "habeas corpus" in all cases known and practised to, and under the same laws; he shall have power to grant writs of sequestration, attachments or arrest, in all cases established by the "civil code" and "code of practice" of the state of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases, and shall also be made a court of record for conveyances, which may be made in English, and not on stamped paper, and that stamped paper be, in all cases dispensed with; and shall be the "notary public" of their respective municipality. All office fees shall be regulated by the governor and council; all other civil proceedings at law shall be suspended until the governor and general council shall otherwise direct, each municipality shall continue to elect a sheriff, alcalde, and other officers of ayuntamientos.

#### ARTICLE VII.

All trials shall be by jury; and, in criminal cases, the proceedings shall be regulated and conducted upon the principles of the common law of England, and the penalties prescribed by said laws, in case of conviction, shall be inflicted, unless the offender should be pardoned, or fine remitted; for which purpose a reasonable time shall be allowed to every convict, to make his application to the governor and council.

#### ARTICLE VIII.

The officers of the provisional government, except such as are elected by this house, or the people, shall be appointed by the general council, and *all* officers shall be commissioned by the governor.

## ARTICLE IX.

All commissions to officers shall be in the name of the people "free and sovereign," and signed by the governor and secretary; and all pardons and remissions of fines granted, shall be signed in the same manner.

## ARTICLE X.

Every officer and member of the provisional government, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear (or affirm) that I will support the republican principles of the constitution of Mexico of 1824, and obey the declarations and ordinances of "the consultation of the chosen delegates of all Texas in general convention assembled," and the ordinances and decrees of the provisional government; and I will faithfully perform and execute the duties of my office, agreeably to law, to the best of my abilities, so help me God."

## ARTICLE XI.

On charges and specifications being made against any officer of the provisional government for malfeasance or misconduct in office, and presented to the governor and council, a fair and impartial trial shall be granted, to be conducted before the general council; and if, in the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the governor.

## ARTICLE XII.

The governor and council shall organize and enter upon their duties immediately after the adjournment of this house, and hold their sessions at such times and places as in their opinion will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

## ARTICLE XIII.

The general council shall appoint a treasurer, whose duties shall be clearly defined by them, and who shall give approved security for his faithful performance.

## ARTICLE XIV.

That all land commissioners, empresarios, surveyors, or persons in anywise concerned in the location of lands, be ordered forthwith to cease their operation during the agitated and unsettled state of the country, and continue to desist from further locations until the land office can be properly systematized by the proper authority, which may hereafter be established; that fit and suitable persons be appointed to take charge of all the archives belonging to the different land offices, and deposit the same in safe places, secure from the ravages of fire, or the devastation of enemies; and that the persons so appointed be fully authorized to carry

the same into effect, and be required to take and sign triplicate schedules of all the books, papers, and documents found in the several land offices, one of which shall be given to the governor and council, one left in the hands of the land officer of the land office, the other to be retained by the said person; and they are enjoined to hold the said papers and documents in safe custody, subject only to the order of the provisional government, or such competent authority as may be hereafter created; and the said persons shall be three from each department, as commissioners, to be forthwith appointed by this house to carry this resolution into full effect, and report thereof to the government and council, (and that the said political chiefs immediately cease their functions.) The different archives of the different primary judges, alcaldes, and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election or appointment; and the archives of the several political chiefs of the departments of Nacogdoches, Brazos, and Bexar, shall be transmitted forthwith to the governor and council for their disposition.

#### ARTICLE XV.

All persons now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the laws on colonization, under which they emigrated; and all persons who may emigrate to Texas during her conflict for constitutional liberty, and perform the duties of citizens, shall also receive the benefits of the law under which they emigrated.

#### ARTICLE XVI.

The governor and council shall continue to exist as a provisional government, until the re-assembling of this consultation, or until other delegates are elected by the people, and another government established.

#### ARTICLE XVII.

This convention when it may think proper to adjourn, shall stand adjourned to meet at the town of Washington, on the first day of March next, unless sooner called by the executive and council.

#### ARTICLE XVIII.

All grants, sales, and conveyances of land, illegally and fraudulently made by the legislature of the state of Coahuila and Texas, located or to be located within the limits of Texas, are hereby solemnly declared null, void, and of no effect.

#### ARTICLE XIX.

All persons who leave the country in its present crisis, with a view to avoid a participation in its struggle, without permission from the alcalde or judge of their municipality, shall forfeit all or any lands they may hold or may have a claim to, for the benefit of this government; *provided, nevertheless*, that widows and minors are not included in this provision.

## ARTICLE XX.

All monies now due, or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the governor and general council, and the receipt of the treasurer shall be a sufficient voucher for any and all persons who may pay monies into the treasury; and the governor and council shall have power to adopt a system of revenue to meet the exigencies of the state.

## ARTICLE XXI.

Ample power and authority shall be delegated, and are hereby given and delegated to the governor and general council of the provisional government of all Texas, to carry into full effect the provisions and resolutions adopted by the consultation of the chosen delegates of all Texas, in general convention assembled, for the creation, establishment, and regulation of the said provisional government.

## OF THE MILITARY.

ARTICLE 1. There shall be a regular army created for the protection of Texas during the present war.

ART. 2. The regular army of Texas shall consist of one major general, who shall be commander in chief of all the forces called into public service during the war.

ART. 3. The commander-in-chief of the regular army of Texas shall be appointed by the convention and commissioned by the governor.

ART. 4. He shall be subject to the orders of the governor and council.

ART. 5. His staff shall consist of one adjutant general, one inspector general, one quartermaster general, one paymaster general, one surgeon general, and four aids-de-camp, with their respective ranks as in the United States army, in time of war to be appointed by the major general and commissioned by the governor.

ART. 6. The regular army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of the war.

ART. 7. The regular army of Texas, while in the service, shall be governed by the rules, regulations and discipline in all respects applicable to the regular army of the United States of America, in time of war, so far as is applicable to our condition and circumstances.

ART. 8. The regular army of Texas shall consist of eleven hundred and twenty men, rank and file.

ART. 9. There shall be a corps of rangers under the command of a major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion under the commander-in-chief, when in the field.

ART. 10. The militia of Texas shall be organized as follows: all able bodied men, over sixteen, and under fifty years of age, shall be subject to militia duty.

ART. 11. Every inhabitant of Texas coming within purview of the preceding article shall, on the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality,

and proceed to elect one captain, one first lieutenant, and one second lieutenant, to every fifty-six men.

ART. 12. When said election shall have taken place, the judges shall certify to the governor forthwith, the names of the respective officers elected, who shall as soon as practicable make out and sign, and transmit commissions for the same; that if there shall be found to exist in any municipality, more than three companies, the captain or commandants, on giving due notice thereof, shall call together the subalterns of said companies and proceed to elect one major, if of four companies; one lieutenant colonel, if of five or more companies; one colonel for the command of said companies, which shall constitute a regiment of said municipality; that if there shall be found to exist more than one regiment in said municipality, the whole number of field and company officers shall, on due notice, proceed to elect a brigadier general out of their number, who shall command the whole militia in the said municipality.

BRANCH TURNER ARCHER,

*President.*

*Municipality of Austin:*

Wyly Martin, R. Jones, Jesse Burnam, William Menifee.

*Municipality of Nacogdoches:*

Sam. Houston, James W. Robinson, William Whitaker, Daniel Parker, William N. Sigler.

*Municipality of Washington:*

Philip Coe, E. Collard, Jesse Grimes, Asa Mitchell, Asa Hoxey.

*Municipality of Harrisburg:*

Lorenzo de Zavala, C. C. Dyer, John W. Moore, M. W. Smith, David B. Macomb.

*Municipality of Liberty:*

George M. Patrick, Wm. P. Harris, Henry Millard, J. B. Woods, A. B. Hardin.

*Municipality of Gonzalez:*

Wm. S. Fisher, J. D. Clements, Geo. W. Davis, James Hodges, William W. Arrington, Benjamin Faqua.

*Municipality of Tenehaw:*

Martin Parmer.

*Municipality of Columbia:*

Henry Smith, John A. Wharton, Edwin Waller, John S. D. Byrom.

*Municipality of San Augustine:*

A. Houston, William N. Sigler, A. E. C. Johnson, A. Horton, A. G. Kellogg.

*Municipality of Mina:*

D. C. Barrett, J. S. Lester, R. M. Williamson.

*Municipality of Matagorda:*

R. R. Royal, Chas. Wilson.

*Municipality of Bevil:*

S. H. Everitt, John Bevil, Wyatt Hanks.

*Municipality of Viesca:*

Saml. T. Allen, A. G. Perry, J. G. W. Pierson, Alexander Thompson, Jas. W. Parker.

*Municipality of Jefferson:*

Claiborne West.

P. B. DEXTER, *Secretary.*

On motion of Mr. John A. Wharton,

*Resolved*, That the thanks of the chosen delegates of all Texas, in general convention assembled, be tendered to Capt. John M. Collingsworth, and his associates in arms, for their gallant and patriotic conduct in taking Goliad, and that the secretary furnish them with a copy of the same; which was unanimously adopted.

The following persons were appointed, under the 14th section of the organic law, as commissioners for the department of Bexar, viz: Messrs. Kerr, Sutherland, Linn and Williamson.

On motion of Mr. Wharton, it was

*Resolved*, That the governor and council be empowered to issue writs of election to fill the vacancies that may occur in this body, and for the representation of those jurisdictions not yet represented, or to cause a new election in toto for delegates to the convention of the first of March next.

On motion, the salaries of the officers of the provisional government were fixed: governor, fifteen hundred dollars; lieutenant governor, twelve hundred and fifty dollars; members of council, per diem, three dollars, and three dollars for every twenty-five miles travel, from and to their place of residence; secretary of convention, six dollars; door-keeper, two dollars.

On motion of Mr. A. Houston, it was

*Resolved*, That the members of this convention take a certificate from the secretary of the time of their services and the distance of travelling.

Mr. Wharton, from the committee to whom was referred the letter from Messrs. McKinny & Williams, made report and read a letter.

On motion of Mr. S. Houston, the whole was referred to the general council.

The committee of three, whose duty it was made to report a declaration in conformity to the report adopted by this consultation, respecting the Cherokee Indians and their associate bands, and whose duty it was made to report a declaration, in conformity to the report adopted by this house, reported the following declaration, which was read and adopted, on motion of Mr. Barrett:

BE IT SOLEMNLY DECREED,

*That we, the chosen delegates of the consultation of all Texas, in general convention assembled, SOLEMNLY DECLARE,*

That the Cherokee Indians, and their associate bands, twelve tribes in number, agreeably to their late general council in Texas, have derived their just claims to lands included within the bounds hereinafter mentioned, from the government of Mexico, from whom we have also derived our rights to the soil by grant and occupancy.

We solemnly declare, that the boundaries of the claims of the said Indians to land is as follows, to wit: lying north of the San Antonio road and the Neches, and west of the Angeline and Sabine rivers.

We solemnly declare, that the governor and general council, immediately on its organization, shall appoint commissioners to treat with the said Indians, to establish the definite boundary of their territory, and secure their confidence and friendship.

We solemnly declare, that we will guarantee to them the peaceable enjoyment of their rights to their lands, as we do our own.

We solemnly declare, that all grants, surveys and locations of lands within the bounds hereinbefore mentioned, made after the settlement of the said Indians, are, and of right ought to be, utterly null and void; and that the commissioners issuing the same be, and are hereby, ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican government.

We solemnly declare, that it is our sincere desire that the Cherokee Indians, and their associate bands, shall remain our friends in peace and war; and if they do so, we pledge the public faith for the support of the foregoing declarations.

We solemnly declare, that they are entitled to our commiseration and protection, as the just owners of the soil, as an unfortunate race of people that we wish to hold as friends, and treat with justice, deeply and solemnly impressed with these sentiments, as a mark of sincerity, your committee would respectfully recommend the adoption of the following resolution.

*Resolved,* That the members of this convention, now present, sign this declaration and pledge of the public faith, on the part of the people of Texas.

Done in convention at San Felipe de Austin, this 13th November, A. D. 1835.

B. T. ARCHER, *President.*

John A. Wharton,  
 Sam Houston,  
 Charles Wilson,  
 James Hodges,  
 John Bevil,  
 Alex. Thompson,  
 D. C. Barrett,  
 J. Burnam,  
 A. Horton,  
 Dan'l Parker,  
 John S. D. Byrom,  
 A. G. Perry,  
 C. C. Dyer,  
 J. D. Clements,  
 James W. Parker,  
 G. W. Davis,  
 A. E. C. Johnson,  
 Martin Parmer,  
 S. H. Everitt,  
 Philip Coe,  
 Claiborne West,  
 J. S. Lester,  
 Joseph L. Hood,  
 Asa Hoxy,  
 Asa Mitchell,  
 R. M. Williamson,  
 A. Houston,

John W. Moore,  
 Samuel T. Allen,  
 James W. Robinson,  
 Jesse Grimes,  
 Wyly Martin,  
 David B. Macomb,  
 E. Collard,  
 M. W. Smith,  
 William Menifee,  
 William N. Sigler,  
 William W. Arrington,  
 William S. Fisher,  
 J. G. W. Pierson,  
 R. Jones,  
 Lorenzo de Zavala,  
 Edwin Waller,  
 William P. Harris,  
 William Whitaker,  
 Albert G. Kellogg,  
 George M. Patrick,  
 R. R. Royall,  
 Benjamin Fuqua,  
 Wyatt Hanks,  
 Henry Millard,  
 A. B. Hardin,  
 Henry Smith,

P. B. DEXTER, *Secretary.*

On motion, the house adjourned to nine o'clock to-morrow.

SAN FELIPE DE AUSTIN, *Nov. 14, 1835.* }  
 Nine o'clock, A. M. }

The house met pursuant to adjournment.

The journal of yesterday's proceedings was read.

On motion of Mr. Wharton, Mr. Wood's resolution was struck from the journal, together with the proceedings had thereon.

Mr. C. West was sworn as a member of the general council, from the jurisdiction of Jefferson.

On motion of Mr. Johnson,

*Resolved,* That the consultation of all Texas in general convention assembled, recommend to the army of the people to abandon the proposed seige of San Antonio, and that they fall back upon La Bahia and Gonzales, and place themselves in a condition of safety, by leaving a sufficient number of men, and the balance of the army be furloughed to their homes, to join the army by the first of March, or so soon as the emergencies of the country may require.

Which was refused to be considered by the house.

On motion of Mr. Robinson,

*Resolved,* That the thanks of this body be given to the president of this convention for the able and dignified manner he has discharged the arduous duties of presiding over this body.

Which resolution was unanimously adopted.

*Resolved*, That the thanks of this house be tendered to the secretary for the faithful, prompt and efficient discharge of his duty.

Which was also unanimously adopted.

On motion of Mr. M. W. Smith,

*Resolved*, That this house now adjourn to meet on the first day of March next, unless sooner called by the governor and council; and that all the members of this body, who can repair to San Antonio to assist our fellow citizens in the field.

Whereupon the house adjourned.

P. B. DEXTER, *Secretary*.

# JOURNAL

OF THE

## PROCEEDINGS OF THE GENERAL COUNCIL

OF THE

## REPUBLIC OF TEXAS,

HELD AT

SAN FELIPE DE AUSTIN, NOVEMBER 14TH, 1835.

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HOUSTON.

1839



# PROCEEDINGS

OF

# THE GENERAL COUNCIL

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 November 14th, 1835. }  
**TWO O'CLOCK, P. M.**

The General-Council of Texas met.

James W. Robinson, Lieutenant-Governor, and ex officio President of the General-Council, called the house to order, when the following members appeared and took their seats:

<i>From the Municipality of Austin,</i>		
“	“	Wyly Martin,
“	“	John A. Wharton,
“	“	Jesse Grimes,
“	“	D. C. Barrett,
“	“	J. D. Clements,
“	“	A. G. Perry,
“	“	Daniel Parker,
“	“	A. Houston.
“	“	Henry Millard,
“	“	W. P. Harris,
“	“	Wyatt Hanks,
“	“	Charles Wilson,
“	“	Martin Parmer,
“	“	Claiborne West,
“	“	J. A. Padilla.
“	“	<i>Guadaloupe Victoria,</i>

On motion of Mr. A. Houston, the Council proceeded to the election of a Secretary, pro tem. Whereupon A. Houston was unanimously elected.

On motion of Mr. Barrett, the Council appointed a committee of three members to wait upon the Governor, and inform him the Council was organized and ready to receive any communication he might think it necessary, at this time, to make.

Mr. Parmer moved that the Council proceed to elect a sergeant-at-arms, which was negatived.

Mr. Hood, a Commissioner appointed by the Permanent Council, for certain purposes, laid before the Council documents from Nacogdoches and San Augustine, which were ordered to be read.

On motion of Mr. Royall,

“Resolved, that James Hall be, and he is hereby appointed a Judge to execute all acts of a first judge in the Municipality of Washington, for the time being, and until the place be regularly filled by this body.”

On motion, the Council adjourned till 9 o'clock Monday morning, or sooner, if in the opinion of the President it should be thought necessary.

November 15, 1835. }  
 COUNCIL HALL, }  
 EIGHT O'CLOCK, A. M.

The Council met on the call of the President.

On motion there was a committee of three appointed to take into consideration the state of the army, with instructions to report thereon as soon as practicable.

On motion the Council adjourned till 10 o'clock, A. M.

TEN O'CLOCK, A. M.

The Council met pursuant to adjournment.

The President laid before the House several communications from different parts of the country, which were ordered to be read.

The committee appointed to take into consideration the state of the army made the following report:

“Your committee to whom was referred the present state of our army, now in the field, requesting a statement of our views in communicating with them on the best course to be hereafter preserved, respectfully report:

“That, in their opinion, the Governor and Council should not appoint or commission any officers for the command of said army, unless previously elected or recommended by themselves, but that a confidential correspondence be immediately opened with some of the most influential and active officers of the present army, now before Bexar, that their views and intentions may be distinctly understood, and that a committee of — gentlemen be appointed to proceed immediately to headquarters, with instructions from the Governor and Council in charge of this correspondence, and should they find that the army must inevitably break up, to advise a guarded and orderly retreat upon the Guadalupe; but if, in their opinion, they can sustain themselves in their present position until the artillery, ammunition, &c., can be received from the United States, and forwarded to that place, to do so by all means, and that this body will do all in their power to sustain them, and provide for their comfort.”

WYLY MARTIN, }  
 HENRY MILLARD, } Committee.  
 J. D. CLEMENTS, }

On motion of Mr. Parmer, the report was unanimously adopted.

On motion of Mr. Parmer, the blanks in the above report, requiring persons to be appointed to bear dispatches to the army, were filled with the names of Thomas Gay and Wm. Pettus.

On motion, a committee was appointed to make extracts from several

communications read to the Council this day, and to prepare a report to be forwarded to the army.

On motion of Mr. Parmer, the Council proceeded to the election of a Secretary of the General-Council. Whereupon, P. B. Dexter was duly elected.

Accounts, marked "1" and "2" were presented, and, on motion, were ordered to lie on the table until to-morrow.

On motion, the Council adjourned till 9 o'clock to-morrow morning.

COUNCIL HALL, }  
November 16th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

Mr. Padilla, from the Municipality of Guadaloupe de Victoria, presented his credentials, and took his seat.

On motion of Mr. A. Houston,

"Resolved, That the General Council adopt for the government of its deliberations, the rules and regulations as received by the Consultation at its late session."

The President presented to the Council a proposition from Mr. A. Hotchkiss, to raise a company of artillerists to be incorporated into the regular army of Texas, which was ordered to lie on the table.

Mr. Barrett, from the select committee to whom had been committed the duty to make extracts from sundry communications from the United States, and elsewhere, and to report to the army on the prospect before us, made the following report:

"GENERAL COUNCIL-HALL, SAN FELIPE DE AUSTIN, }  
November 15, 1835. }

The Council met at the special call of the Lieutenant-Governor, who submitted a number of documents received since the last meeting, from the United States, and various parts of Texas, principally relating to the present situation of the country. After the papers and documents were read, Mr. Barrett moved that Messrs, Martin, Clements and Millard be a committee to report upon the state of the army, &c., and that the Council adjourn to meet in one hour.

On meeting of the Council the committee made the following report:

"Your committee to whom was referred the present state of our army, now in the field, and our views of the best course which we advise hereafter to be pursued, respectfully report:

"That in our opinion the Governor and Council should not appoint or commission any officers for the command of said army unless previously elected or recommended by themselves, but that a confidential correspondence be immediately and directly opened with some of the most influential and active officers of the present army, now before Bexar, with the view that their objects and intentions may be distinctly understood, and that a committee of two gentlemen be appointed to proceed immediately to headquarters, with instructions from the Governor and Council, charged with this correspondence, should they find that the army must inevitably break up, to advise a guarded and orderly retreat

upon the Guadalupe, but if, in their opinion, they can sustain themselves in their present condition, until the artillery, ammunition, &c., can be received from the United States and forwarded to that place, to do so by all means,—that this Council will do all in their power to sustain them, and provide for their comfort.”

On motion, it was resolved that William Pettus and Thos. Gay be the gentlemen to whom this correspondence shall be entrusted, with instructions to advise prompt and full communication with the Governor and Council.

On motion of Mr. J. A. Wharton, it was resolved that Messrs. Barrett and A. Houston be appointed a committee to make such extracts from reports and documents, received by the General-Council as would give them all the information now in its possession. The following extracts contain all the information deemed necessary to be communicated.

By a letter addressed to the Provisional Government, by the Committee of Safety, of the jurisdiction of Liberty, dated the 9th inst., is the following extract:

“The committee would respectfully express their hope that all personal prejudices heretofore existing among us may be laid aside, and an universal feeling of harmony and confidence prevail. In behalf of their fellow-citizens, they state that a premature Declaration of Independence would be inexpedient, and injurious; that a temporary provisional organization of government with a careful attention to the development of events is the best policy, that a precipitate secession from the Mexican Republic might incur reprehension.”

By a letter from San Augustine, of the third inst., from the Committee of Safety of that jurisdiction, the General Council is informed that sixty volunteers from the United States will reach that place to-morrow, destined for head quarters; that efforts are making to mount all the men at Nacogdoches which can be obtained, destined for the same place, and say that upwards of 40 mounted volunteers will march from this place on the 6th inst.; that the patriotism of the citizens of Ayish District, Tenehaw, and Bevil’s settlement, is worthy of notice; that the people on Sabine river seem wanting in patriotism. That in this place thirteen horses and four hundred dollars, cash, have been subscribed since Sunday last, added to former subscriptions destined for the support of their country, make in the aggregate a considerable amount; much larger sums will be advanced if necessary; that the whole number of men soon to march from this place and Nacogdoches will make one hundred and fifty. We wish to communicate the same, without delay, to the commander-in-chief of the army of Texas. We enclose you a copy of a letter from Natchitoches, from D. H. Vail, Esq., that you may see the interest felt in that place for the citizens of Texas. The letter above referred to, from D. H. Vail, is dated October 31st, 1835, from which we make the following extract:

“On yesterday we started a subscription, and about \$800, in different articles, have been subscribed and received.—I have been appointed treasurer—you must instruct the teams to haul out all I have to send. The French population, indifferent, have come out and subscribed liberally to day, and I believe all will, eventually, assist. The company from New Orleans, left to day at twelve o’clock, I have sent by them \$100, in blankets, clothing, and provisions. The Mexican Consul, at this place,

tore down his sign and stamped it under foot, and says he is with the people. The wagons have just arrived—I shall immediately load them with arms and baggage, of camp No. 1, Texas Volunteers.”

In a letter from Mr. Ira Ingram, dated Goliad, October 31, 1835, we are informed of the arrival there of twenty-five men, from Bay Prairie, which enabled the commandant of that place to send on that day thirty-seven men for reducing the garrison and fortress on the Nueces, the expedition on the 30th ultimo. He also states that permanent peace has been made with the Carancahua Indians—fifty men are kept at that post, generally, in good health and spirits.

By letters and enclosures from Thomas F. M’Kinney, and M’Kinney & Williams; we give you the following—M’Kinney and Williams write under date of the 9th instant:

“Enclosed you have a copy of a letter from a very confidential friend of ours, at Tampico, 19th ultimo. We also state that the schooner Louisiana just arrived at New Orleans, from Mobile, where two thousand dollars has been subscribed for the assistance of Texas.”

This letter gives the idea that the people of the United States are coming in great numbers to our assistance. The Mexican schooner Montezuma, with another vessel, is cruising in the Gulf. The Vera Cruzana is off Matagorda—more commissions for vessels in the Texas service are requested. Enclosed in this letter is one from George Fisher, of New Orleans, of a very confidential nature.

By the Tampico letter it is stated that a proclamation is issued relative to Texas, which has produced a great excitement there. A battalion of five hundred men from that town, it is said, have marching orders for Texas by Col. Gomez, at the request of Cos. We extract the following:

“An express arrived here from Cos, for Gomez, a day or two since, particulars not known. Texas has many friends in this state, and I am confident that if she sustains herself for a few months, that the army in the interior will have work of more importance than ten of Texas. An express relative to Texas left here for Mexico two days since, with orders to reach there in four days. Santa Anna will demand money from the churches, and report says will be on his march for Texas in a few months, with about ten thousand men. I should not be surprised to see Santa Anna here in Tampico, in sixty days, on his way to Matamoras, and Texas. I hope that no doubts are now entertained in Texas as to his intentions towards them; Gomez’s proclamation speaks for itself, he swears that no Anglo-American shall be left in Texas—that he will drive you as smoke before the wind.”

A letter enclosed from Mr. Fisher, of New Orleans, of the 4th inst.:

“In my last I have informed you of my plan of operations, and now give you further and more ample advice. We will leave on the 6th inst. for Tampico, armed and equipped as the circumstances require—every thing there will be in readiness,—we shall be assisted by the steamboat and its establishment at the bar,—pilot, &c., now waiting for us; thence we will proceed to Matamoras, where every thing is also provided, for the Montezuma being in the Brazos Santiago per information six days ago, must be a prize to us; there are at present in this port (New Orleans,) seven Mexican vessels, including the Revenue Cutter, Santa Fe, for various destinations, if we get the Montezuma, as I hope we will, we will soon form a squadron and stop the revenue of the usurper, which will

prevent his molesting you at sea. I am going in the capacity of secretary to the expedition. We have some five officers, and about one hundred and fifty men. Carabajal, Fernando De Leon, and Peter Car have chartered a vessel to leave here in a few days for the Gareitas, with provisions and merchandise *for family use*, as they say.

By a letter addressed to the Provisional Government of Texas, of the 4th inst., from the Acting Committee, &c., of the city of New Orleans. We give the following extracts:

“The Committee of this city on the affairs of Texas, addressed you a few lines on the 20th October, through Mr. E. Hall, who accompanied the volunteers from this city, about one hundred and twenty, in all, sent to your aid, where we hope their services will be useful; we now have the pleasure of sending about thirty more, raised in Mobile and put under control of this committee. The contemplated expedition under General Mexia, of one hundred and fifty men, will sail to-morrow on board the schooner *Mary Jane*, all well armed and provided for. Tampico is the place of destination, which we have no doubt will be in his possession in a few days. He will communicate with you after his arrival by express. We rejoice at the news of the first blow being struck with success, and we sincerely hope that others equally triumphant will be struck. We shall continue our aid which you may command without reserve.”

A letter was received from T. F. M’Kinney, from the mouth of the Brazos, dated 11th inst., 12 o’clock at night, which states in substance that he succeeded in getting off schooner *San Felipe*, aground in Matagorda Bay; and will in a few days be ready for cruising off the shores of Texas. The schooner *William Robbins* will go with her, that they will immediately leave for New Orleans to negotiate a loan for one hundred thousand dollars for present purposes—that if money is wanting in the mean time, he will accept small drafts, 5 or 6 hundred dollars at a time, until the loan is effected in the United States, he is fearful to have larger bills drawn on him at one time, on account of the scarcity of money in the country. By communications from the United States, he entertains no doubt of obtaining men and money for Texas.—States that a vessel is cruising off the coast, which exchanged several shots with the *San Felipe* while she lay on the beach, on last Thursday,—thinks that some shot hit the Mexican—she soon put out to sea. A large gun, 18 pounder, is at Matagorda, there being no balls, has not been forwarded to the army—thinks that General Mexia’s enterprise will be important—he is securing the steamboat boilers with a view to make here a safe cruiser near shore.”

The commissioners sent out to the Indians report that considerable dissatisfaction prevails among the northern Indians regarding their lands in Texas, but are fully of opinion that no hostile movements will be made if they can have any security their just rights will be protected; the convention have already acted upon this subject decisively, and directed the Governor and Council to take measures to satisfy them of our friendship, and determination that their rights shall be fully respected.

The receivers of the public monies of the Department of Nacogdoches having considerable amount of funds on hand have promptly surrendered them to the Provisional Government, which will in a few days be in the Treasury. All from that quarter evinces liberality and patriotism.

We are satisfied from all reports that if we do justice to the northern Indians they will be our friends.

By a communication received from the Committee of Safety of Nacogdoches, of the 10th inst., from which we make the following extract:

"This committee beg leave to enclose a printed copy of a letter received this morning from San Augustine, for the information of the Council, which printed document states in substance, 'that six hundred and one volunteers from Tennessee have arrived at Natchitoches, besides their other arms, having two eighteen pounders, and the necessary supplies, &c., destined for the Texas service, more daily expected at Nacogdoches.' Various opinions are entertained here by the members of the Council as to the correctness of this information, but Judge Hood, one of the committee sent out to the Indians, and who returned last evening from San Augustine, states that he heard of volunteers from North Alabama, and Tennessee, being on the way, and that the information was generally believed there to be correct, and that great anxiety prevailed in those sections of the United States, particularly, in favor of Texas."

The preceding gives a clear view of all the intelligence in possession of the Provisional Government, from the several sources named, all which is submitted to this honorable body, to be forwarded by the President to the army, agreeably to the foregoing resolution.

On motion of Mr. Millard, the above report was adopted.

Mr. Barrett, from the committee appointed to superintend the printing of the proceedings of the Consultation, in pamphlet form, asked to have the assistance of Mr. Kellogg in transcribing, which was granted.

It having been made known that Mr. Gay had declined bearing certain despatches to the army, on motion, George M. Patrick was appointed to supply his place.

His Excellency the Governor, through Mr. Wharton, communicated the following message:

EXECUTIVE DEPARTMENT OF TEXAS.

*To his Excellency the President, and  
Members of the Legislative Council of all Texas:*

GENTLEMEN—Called upon to discharge the duties of the supreme Executive of the free and sovereign state of Texas, I commence the task not without mistrust of my abilities, but relying chiefly upon your support, and the indulgence of an intelligent and well disposed people, I am inspired with confidence and cheered by the hope, that our united efforts to promote the public good, will not prove unavailing.

I trust that there is not one of your body insensible to the many dangers that threaten, surround and overhang our adopted country; that there is not one who does not feel the importance of the great trust confided, and who is not aware of the heavy responsibilities which necessarily devolve upon us. In the onset, in the very beginning, ere one error is committed, or an act performed, I call upon you to summon to your assistance moral courage; to throw around you the impenetrable shield of honesty; to march onward in the pathway of duty, and undauntedly to meet the dangers and obstacles which chance or design may throw in

your way. If we cower or sink beneath the task, shame and disgrace await us, and ruin irretrievable to our adopted country. Contemplate the task before you, the dangers to be encountered, and the obstacles to be removed or surmounted, and decline the task, or make a beginning with a fixed determination, faithfully and fearlessly to perform your duties.

I thus take the liberty to admonish you, because no common duties devolve upon you.

You have to call system from chaos; to start the wheels of government, clogged and impeded as they are by conflicting interests, and by discordant materials. Without funds, without the munitions of war; with an army in the field contending against a powerful foe. These are the auspices under which we are forced to make a beginning.

2. Our country is now involved in war. Our foe is far superior to us in numbers and resources. Yet when I consider the stern materials of which our army is composed, the gallant and heroic men that are now in the field, I regard not the disparity of numbers, but am satisfied that we could push our conquests even to the walls of Mexico. I earnestly recommend that you adopt the most prompt and energetic measures in behalf of the army; that you forthwith provide all the necessary munitions of war, so that the army may not be cramped or impeded by remissness on the part of the Government. And that you be careful to select agents of known skill and science to purchase artillery and other munitions.

3. Another important matter will require your immediate attention. Our seaports and frontier towns are unprotected, and exposed to the mercy of the enemy. The policy of having them well fortified must be obvious to all. I therefore recommend the organization of a Civil and Topographical Engineer Corps, and the commencement of the work of fortification and defence without delay.

4. I recommend the granting of Letters of Marque and Reprisal; by doing which we cannot only prevent invasion by sea, but we can blockade all the ports of Mexico, and destroy her commerce, and annoy and harrass the enemy more in a few months, than by many years' war, carried on within our own limits. My own mind is satisfied that the whole of our maritime operations can be carried on by foreign capital and foreign enterprise. Already applications for commissions have been made; they are willing to take the hazard, as such afford them every encouragement.

5. Provisions have already been made for the organization of a corps of Rangers, and I conceive it highly important that you should place a bold, energetic and enterprising commander at their head. This corps well managed, will prove a safeguard to our hitherto unprotected frontier inhabitants, and prevent the depredations of those savage hordes that infest our borders. I conceive this very important at this moment, as it is known that the Mexican authorities have endeavored to engage them in a war with us.

6. Volunteers from foreign countries are daily reaching our shores and enlisting in our cause. These gallant and chivalrous men are actuated alone by the noblest motives; no sordid or mercenary considerations have induced them to leave their homes and share our fate. Let us then act with becoming generosity, and unasked give valor its reward. I recommend this not only that the world may know what are the induce-

ments which Texas holds forth to the brave and enterprising; but in order that it may be now settled and not hereafter become the cause of dissatisfaction.

7. Some of our red brethren of the Cherokee, Shawnee and other of their associate bands, are located on certain lands within our limits, to which it is generally understood that they have a just and equitable title. They have lately been interrupted in their title by surveys and locations within the limits which they claim, which has created among them great dissatisfaction, I therefore recommend that you second the measures of the late Convention in this matter, and never desist until the objects contemplated by that body be carried into effect.

8. I recommend the employing of agents for foreign countries; that they be clothed with special powers, and that they be sent to different points, with a view of procuring for Texas all the aid and assistance that a generous and sympathizing world will bestow.

9. I would also recommend the establishment of a Tariff, and the appointment of Revenue Officers to collect imposts and tonnage duties; also a collector for the purpose of collecting all sums due the government on lands or other sources.

10. I would now call your attention to the Post-Office Department, and would recommend the appointment of a Postmaster General—the appointment made by the previous Council I highly approve, and trust under your care that this department will flourish and extend its benefits to every section of our country. I further recommend an express department to continue during the war.

11. No time should be lost in the organization of the militia, nor in the local civil organization of the different jurisdictions of Texas, in conformity with the plan of the provisional organization of the government.

12. You will find it necessary to appoint a Treasurer and perhaps other officers which you may hereafter find requisite.

13. It will also become your duty to select some place as the seat of government, at which to hold your regular sittings during the continuance of the present form of government. In doing this you will throw aside all local partialities and prejudices, and fix on that point possessing most advantages, and the best calculated to forward our views by giving promptness and energy to our united actions. I therefore deem it unnecessary to make further suggestions on that subject, and will only add, that a Council-Hall, together with other offices for the different departments of government, is indispensable.

14. I have now, gentlemen, touched upon all the matters of importance that have presented themselves to me,—doubtless many have escaped my observation which you will detect. I will, from time to time, present such other matters for your consideration as may occur to me. Again permit me to remind you of the necessity of acting with energy, boldness, and promptitude,—that the welfare of thousands depends upon your actions. Your country possesses immense resources if properly developed; it is for you to quicken and enliven the energies of the body politic, and make Texas the Eden of America.

I conclude, gentlemen, by expressing the hope that the Supreme ruler of Nations will smile upon your councils, and that, by our united efforts,

we will be enabled to place Texas in a situation to become what the God of Nature designed her to be, a land of Liberty and of Laws—of agriculture and of commerce,—the pride and support of our lives, and a legacy of price unspeakable to posterity.

HENRY SMITH.

*San Felipe, 16th Nov., 1835.*

On motion of Mr. Parmer, 500 copies of the above message were ordered to be printed in hand-bill form.

On motion of Mr. Barrett, Messrs. Parmer, Clements and Hanks were appointed to provide a horse to go with an express to the army.

On motion of Mr. Perry, the Council went into an election of first and second Judges for the Municipality of Viesca.

Whereupon, Joseph L. Hood and John Martin were put in nomination for the first and second Judges of that Municipality, and were duly elected.

On motion of Mr. Millard, the Council went into an election for first and second Judges for the Municipality of Liberty.

Whereupon, Wm. Hardin and Henry W. Farley were put in nomination for the first and second Judges of that Municipality, and were duly elected.

On motion of Mr. Wharton, the Lieutenant-Governor was requested to issue an order in favor of Mr. Padilla for fifty dollars, and take his individual note for the repayment.

On motion of Mr. A. Houston, the Council adjourned till 2 o'clock, p. m.

**TWO O'CLOCK, P. M.**

The Council met pursuant to adjournment.

Mr. Parmer, from the Committee appointed to provide a horse and courier to bear dispatches to the army reported that Mr. Urbane had a horse which was at the service of the Council, on their paying him one hundred and sixty dollars, and that Mr. George M. Patrick would be the bearer of the report to the army. Before the Council proceeded to act on the report of the committee, Capt. John W. Moore offered to the Council a horse belonging to him for the purposes required, which was accepted.

Mr. A. E. C. Johnson tendered his resignation as a commissioner for the department of Nacogdoches, under the 14th section of the organic law, which was accepted.

Mr. A. Houston presented the following resolution, which was adopted:

“Resolved, that Wm. M. Sigler, be appointed a commissioner for the Department of Nacogdoches, in the place of A. E. C. Johnson, resigned, to take charge of the Land-office papers, as directed by the 14th section of the organic law.”

On motion of Mr. Barrett, the oath prescribed by the organic law, was amended by inserting the words, “and I will faithfully perform and execute the duties of my office, agreeably to law and the best of my abilities,” before the words “so help me God.”

Mr. A. Houston moved that accounts marked No. “1” and “2” be taken up, which was negatived.

Mr. Parker offered the following resolution which was negatived:

“Resolved, that a committee of three be appointed to examine and report to the Council the unfinished business of the Convention, which it becomes the duty of this body to act upon.”

On motion of Mr. Millard, it was

“Resolved, that a committee of three be appointed to report what standing committees it may be necessary to appoint on the several subjects embraced in the message from the Governor, this day read to the Council. The President named Messrs. Millard, Martin, and Wharton as that committee.

Mr. Barrett moved for the appointment of a Door-Keeper, agreed to. Alexander Blair being put in nomination, was duly elected.

On motion of Mr. Wharton, it was

“Resolved, that the Council hold its morning session from 9 o'clock to adjournment, and the evening session from 7 o'clock p. m., to adjournment.

On motion of Mr. Millard, the Council adjourned till 7 o'clock, p. m.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 16, 1835. }  
SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Millard, from the committee appointed to report what standing committees are necessary, made the following report, which was adopted:

“Your committee, to whom was referred the subject of naming the standing committees of the General Council of all Texas, beg leave to report:

“That they have had the subject under consideration, and respectfully suggest the following for your consideration:

“A committee of three on the Affairs of the Army.

“A committee of three on the Affairs of the Navy.

“A committee of three on Fiscal Affairs.

“A committee of three on the Affairs of State.

“A committee of three on Land and Indian Affairs.”

HENRY MILLARD,  
Chairman.

WYLY MARTIN, }  
J. A. WHARTON, } Committee.

Whereupon, the President announced the following standing committees.

Committee on Military Affairs—Messrs. Wharton, Houston and Hanks.

Committee on Affairs of State.—Messrs. Barrett, Padilla and Parker.

Committee on Naval Affairs—Messrs. Perry, Harris and West.

Committee on Land and Indian Affairs.—Messrs. Martin, Parmer and Grimes.

Committee on Finance—Messrs. Millard, Wilson and Clements.

The Governor's message was again read, and the several subjects embraced in it were assigned to the several standing committees, thus:

The second, third and fifth sections, and so much of the sixth and eleventh sections as relate to the Military operations, were referred to the Committee on Military Affairs.

The fourth section was referred to the Committee on Naval Affairs.

The seventh section was referred to the Committee on Lands and Indian Affairs.

The fifth and ninth sections were referred to the Committee on Finance.

The tenth, twelfth and thirteenth sections, and so much of the sixth and eleventh sections as relate to State Affairs were referred to the Committee on State Affairs.

On motion of Mr. Harris, the Council adjourned till 9 o'clock, a. m.

COUNCIL HALL, }  
November 17th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals having been read,

On motion of Mr. Millard, it was made the duty of the Secretary, in addition to the motions and resolutions, to enter upon the journals the reports of committees and the messages of the Governor.

The President submitted to the Council letters received from Messrs. M'Kinney & Williams, and Mr. Grayson, which were read.

On motion of Mr. Barrett, so much of the letters just read as related to matters connected with the army, was referred to the committee on Military Affairs; so much as related to fiscal concerns was referred to the Committee on Finance, and that part relating to other matters was referred to the committee on State Affairs.

On motion of Mr. Barrett, it was ordered that the words "and Judiciary" be added to the style of the Committee on Affairs of State.

Mr. Barrett presented a communication, recommending John W. Moore for the office of Collector for the port of Galveston, which was read, and ordered to lie on the table.

On motion of Mr. Hanks, the proposition of Mr. Hotchkiss, laid on the table yesterday, was taken up and referred to the Committee on Military Affairs.

On motion the Council adjourned (to afford the committees an opportunity to prepare their several reports,) till 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Padilla presented a communication asking for an interpreter to attend him during the sitting of the Council, which was granted, and D. B. Macomb was appointed interpreter.

Mr. Barrett, from the Committee on the Affairs of State and Judiciary, made the following report:

*"To the honorable the General Council of Texas,*

*"Your committee to whom was referred such parts of the Governor's message as relate to Affairs of State, &c., report,*

*"That the immediate appointment of a Treasurer to the Provisional Government, whose duty shall be clearly defined, is now devolving upon*

this body. Receipts and disbursements of the public monies have been hitherto carried on without system, consequently without any other responsibilities to the public than that high sense of moral feeling which so eminently distinguishes the free sons of that country in revolutionary times from which our citizens have descended.

The dispatch of business in times like the present is very important. Great injuries are often consequent upon dilatory proceedings in matters of public concernment; but while promptness is so important, order and correctness should also prevail. The people should at all times have the ready means of knowing the acts of their public agents; this can only be done by adopting general rules, system and consistency of conduct, in the observance of those rules, and recorded memorials of all our doings. To this end your committee advise the creation of the office of Secretary to the Executive, who shall also be the clerk of enrollment of the proceedings of the General Council. They also advise the appointment of two clerks to the several standing committees, whose duties shall be designated.

Your committee is concerned to see the want of unanimity in this body, upon a proper location of a place where to establish the sittings and offices of the "Provisional Government." Several places have been mentioned as suited to this object, and your committee being unprepared to determine the matter, will briefly submit the representations made to them by different persons.

By some it is contended that the location should be in Washington on the Brazos; this place is said to be situated in a thickly populated country, and most central to the inhabited parts of Texas. It is known that this town is of very recent origin, having few if any suitable buildings or rooms for public business, and no printing establishment. Convenience and retirement are necessary for public officers, in the dispatch of business of the character in which we are now engaged. These objects cannot be expected at present in Washington, hereafter this place will no doubt be fixed upon as the seat of Government.

The inconveniencies and discomforts of our present location are too sensibly felt by every member of the Provisional Government to require any remarks; an excellent and well conducted Press is the only present inducement for continuing in San Felipe:—Matagorda and Velasco, destitute of the latter advantage, possesses no superiority of convenience for business over San Felipe, and although strongly recommended by some, will scarcely produce any difference of opinion in this body.

Brazoria, with the advantages of a good and well conducted Press, is represented as having a suitable Council-Hall, well adapted rooms, and other conveniences for the dispatch of public business. Its location upon the navigable waters of the Brazos, affords almost hourly communication with the coast, and the distance from the army will make but about one day's difference in travel more than to San Felipe, and about the same as to Washington; but the badness of the roads at this season of the year, is said to be a serious disadvantage, if not an insuperable objection.

With these statements your committee submits to the wisdom of the Council to determine the place of its sittings, and the location of the Provisional Government.

Concluding with urging the necessity of prompt decision, Other matters will be reported to the Council as soon as time will permit.

D. C. BARRETT,  
Chairman.

J. A. PADILLA, }  
DAN'L. PARKER, } Committee.

On motion of Mr. Houston, the foregoing report was adopted.

Accompanying the foregoing report, the committee submitted an ordinance creating the offices of Treasury, Secretary to the Executive, Clerks to several Committees, defining their duties, and for other purposes: which was laid on the table.

Mr. Wyly Martin asked and obtained leave to vacate his seat for the purpose of joining the army.

Mr. Houston moved that the Council adjourn, when it leaves this place, to the town of Washington.

The question being taken on the above, and the Ayes and Noes were demanded, the vote stood thus:

AYES—Messrs. Wharton, Grimes, Barrett, Perry, Parker, Houston, Parmer and Padilla—8.

NOES—Messrs. Clements, Millard, Hanks, Harris, Wilson and West—6: so the question was decided in the affirmative.

Mr. Houston moved that the Council adjourn to meet at Washington on the 23rd inst., but withdrew his motion, at the suggestion of Mr. Barrett, who offered the following, which was adopted:

“Resolved, that an express be immediately sent to Washington to inform the citizens of the removal of the Provisional Government to that place, and requesting them to be in readiness to receive its officers; and also that the fact of its removal be communicated to the army, and to all parts of Texas.

On motion of Mr. Parker, Mr. W. S. Fisher was appointed to prepare the proceedings of the Consultation for publication, under the supervision of the committee of that body, to whom that duty had been committed.

On motion of Mr. Wharton, the same compensation was allowed to Mr. Fisher, while employed in that service, as was given to the Secretary of the Council.

On motion of Mr. Wharton the Council adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 18th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday having been read,

On motion of Mr. Wharton, the Council proceeded to the election of supernumary members, from the several Municipalities, in order that vacancies occurring therein may be promptly filled.

Whereupon, the following persons were put in nomination and duly elected.

<i>From the Municipality of Austin,</i>	Thomas Barnett,
“ “ <i>Brazoria,</i>	John A. Wharton,
“ “ <i>Washington,</i>	Asa Mitchell,
“ “ <i>Mina,</i>	J. S. Lester,
“ “ <i>Gonzales,</i>	Benj. Fuqua,
“ “ <i>Viesca,</i>	J. L. Hood,
“ “ <i>Nacogdoches,</i>	Wm. Whitaker,
“ “ <i>Liberty,</i>	Henry Millard,
“ “ <i>San Augustine,</i>	A. E. C. Johnson,
“ “ <i>Harrisburg,</i>	Geo. M. Patrick,
“ “ <i>Bevil,</i>	John A. Veatch,
“ “ <i>Matagorda,</i>	Charles Wilson.

Mr. Barrett called for the reading of the report of the Special Committee on the state of the army of the 15th inst., which report was read.

Mr. Parker offered the following resolution.

“Resolved, that the committee on Military Affairs be instructed to take into their immediate consideration the present state of our army, and advise the best method of supplying the present want of clothing, medicines, &c.” After some debate, Mr. Parker withdrew the above, and presented the following, which was adopted:

“Resolved that a select committee of three be appointed to take into consideration the present state of the army, and report thereon, Messrs. Parker, Grimes, and Clements were appointed said committee.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT OF TEXAS, }  
November 18th 1835. }

*To the honorable President, and  
members of the Legislative Council,*

GENTLEMEN—Your honorable body will, no doubt, see the necessity and propriety of appointing a Secretary to the Executive Department, whose duties will be assigned him by your body; I recommend to your consideration Charles B. Stewart, esq., as a suitable and fit person to fill that office.

Respectfully, Gentlemen,

Your obedient servant,

HENRY SMITH.

On motion of Mr. Barrett, the ordinance creating the offices of Treasurer, Secretary to the Executive, Clerks to several Committees, defining their duties, and for other purposes, was taken up.

The first, second, and third sections having been read, were adopted.

The fourth section having been read, on motion of Mr. Harris, the blank in it was filled with \$3,000 per annum.

The fifth section having been read, on motion of Mr. Wharton, all after the word “services” was stricken out, and the words “six dollars per diem” inserted as a substitute, when the question was taken on the passage of the ordinance, and decided in the affirmative.

On motion, C. B. Stewart was appointed Secretary to the Executive, and Clerk of Enrollments.

On motion of Mr. Wharton, David B. Macomb was appointed Chief

Clerk to the Committees on Military Affairs, on Naval Affairs, and on Land and Indian Affairs.

On motion of Mr. Harris, the Council adjourned to 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Parker, it was

“Resolved, that the Committee on Military Affairs be instructed to take into their immediate consideration the object of the Convention, in ordering an election to be held on the third Monday of December next, for the purpose of organizing the Militia, and that they report thereon, as soon as practicable, that it may be carried into immediate effect.

Mr. Grimes, from the select committee to report on the present state of the army, presented the following report:

*To the honorable the  
General Council of all Texas,*

“Your committee, appointed to take into consideration the present state of the army, now in the field, and to make report thereon, have had the same under consideration and beg leave to make the following report:

“We recommend that a contractor for the present volunteer army be forthwith appointed, and that he be required to purchase and forward to head quarters for the use of the present army now in the field, as speedy as possible, the articles named in the ordinance, submitted herewith.

“We learn, with pleasure, that a quantity of medicines have lately been forwarded from this place, which have probably reached the army ere this, and will be sufficient for the present emergency.

“We further recommend that the commander-in-chief be instructed to require the said contractor to furnish the army such necessaries as they shall from time to time require.

“We would very respectfully recommend to the Council the appointment of John W. Moore as a fit and suitable person to fill the place of contractor as aforesaid, and that he be legally authorized and required to proceed immediately to the performance of the aforesaid duties and that he be vested with full power and authority to pledge the public faith for the payment of such debts as he may contract by virtue of his said appointment.

“We have also had under our consideration the propriety of establishing an express route between the army and the General Council, and deem it indispensably necessary.

“We therefore recommend that a committee of three be appointed to contract with a fit and proper person, and upon the best terms to be procured, who shall be obligated to carry all necessary expresses between the General Council and the army at the shortest notice, and in the most expeditious manner.

“We further recommend that a copy of the foregoing report, when adopted, be forwarded to the army by Capt. Wylly Martin.

DANIEL PARKER,  
Chairman.

JESSE GRIMES, }  
J. D. CLEMENTS, } Committee.

On motion of Mr. Houston, the foregoing report was adopted.

Accompanying the above report the committee presented an ordinance making provision for the army now in the field, which was read, and, on motion of Mr. Houston, the blank in the 5th section was filled by inserting the name of John W. Moore.

Mr. Barrett moved that one third part of the clothing be stricken out, which was agreed to.

Mr. Wharton moved that one-third more be stricken out, which was negatived.

Mr. Harris moved that one-third of the tents be stricken out, which was agreed to.

Mr. Barrett proposed an amendment by adding the words "or tent cloth, and needles and thread," after "tents," which was agreed to.

On motion of Mr. Barrett, it was

"Resolved, that the contractor be instructed to go to Matagorda in order if the articles called for in the ordinance could be purchased there cheaper than in other places, to procure them there.

On motion of Mr. Houston the ordinance was laid on the table.

Mr. Barrett from the Committee on Affairs of State and Judiciary presented an ordinance declaring the mode of passing, signing and publishing the ordinances, decrees and resolutions of the Provisional Government of Texas, which was read and laid on the table.

Mr. Perry, from the Committee on Naval Affairs, presented the following report:

"Your committee on Naval Affairs, to whom was referred so much of the Governor's message as relates to the granting of letters of marque and reprisal, have had the same under consideration and respectfully report,

"Your committee are of opinion that the same should be granted under the following principles and restrictions:

"1st. All persons applying for letters of marque and reprisal should be men of known character, standing, and skill as naval tacticians, and no license to cruise as such should be granted to any vessel under eighty tons burthen, or carry less than four twelve pound carronades, or their equivalent in metal.

"2nd. All vessels so licensed should cruize in the Gulf of Mexico, and in no other waters, and should be permitted to war upon, capture or make prize of all vessels sailing under the flag and under commission of the Central Government of Mexico, and on no other.

"3rd. All prizes so captured should be ordered or brought into the ports of Texas, and when there, adjudicated and condemned as prizes to the captors, by the competent tribunals; there should be retained out of the monies arising from the sale of said prize or prizes, twenty-five per cent for the use of Texas, and be paid forthwith into the public Treasury accordingly, and the balance to be paid over to the captors, or their assigns, or legal representatives.

"4th. All persons to whom a license to cruise in the Gulf of Mexico, as a letter of marque and reprisal shall have been given or may hereafter be given shall give good and sufficient security in a bond, in the sum of  
— thousand dollars, to be approved by the Governor and Coun-

cil, payable to him and his successors in office, for the faithful adherence to, and fulfilment of the above enumerated restrictions.

"5th. That commissions or licenses be not granted for a longer time than six months, nor less than three, and in all cases to expire at the conclusion of our war between Texas and the Central Government of Mexico.

"Your committee would further most earnestly represent that the establishment of a small Naval force for the security of our extended coast and the protection of our own commerce would seem to them highly necessary and indispensable, and under that conviction would recommend the purchase, arming, and equipping two schooners of twelve, and two schooners of six guns each, to cruise in, and about the bays and harbors of our coast. This arm of the service should be confided and entrusted only to men whose nautical skill and experience are well known and established, and whose activity and efficiency would with greater certainty secure the objects of its creation and organization.

A. G. PERRY,  
Chairman.

W. P. HARRIS, }  
C. WEST. } Committee.

The foregoing report having been read was ordered to lie on the table.

Mr. Millard, from the committee on Finance, made the following report:

"Your committee on Finance to whom was referred the accounts of Thomas Bray and Madison M. Stevens beg leave to report.

"That the accounts so submitted against the Government of Texas are, in their present form unreasonable and ought not to be paid.

The account marked "1," that of Thomas Bray for furnishing Cole's company of waggoners, with one hundred and seven pounds of bread, at twenty-five cents per pound, amounting to twenty-six dollars and seventy-five cents, should be reduced to fourteen cents per pound; and he be allowed fifteen dollars and seventy-eight cents, in full for the amount of his account. And further, the account of Madison M. Stevens, for carrying one express to Nacogdoches,—that he be allowed compensation for 10 days service, at two dollars and fifty cents per day, amounting to twenty-five dollars, and that the amount of his expenses already paid be deducted from the same, leaving a balance due him of ten dollars and fifty cents.

"The above, in the opinion of this committee, would be paying the above named individuals full compensation for articles furnished and services rendered.

HENRY MILLARD,  
Chairman.

CHARLES WILSON, }  
J. D. CLEMENTS, } Committee.

The foregoing report having been read was ordered to lie on the table.

On motion of Mr. Houston, it was

"Resolved, that there be a committee of three appointed to prepare and have 100 blank commissions printed as soon as possible: Messrs. Houston, Barrett and West were appointed that committee.

On motion of Mr. Parker, it was

“Resolved, that the Secretary of the Provisional Government be authorized to employ an assistant whenever he may deem it necessary and render an account of his services to the Council.”

On motion of Mr. Wharton, the compensation to the Secretary of the Provisional Government, was fixed at \$6 per diem.

The oath prescribed by the organic law was administered by the President to the Secretary of the Provisional Government, and to the Chief Clerk of the Standing Committees on Military, Naval, and Land and Indian Affairs.

On motion the Council adjourned till 9 o'clock, to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 19th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceedings having been read,

Mr. Wharton presented the following:

“Resolved, that all ordinances or decrees which may come before the General-Council, either as reported by committees or any member thereof, shall, on being offered, be distinctly read and laid on the table of course, and unless in case of emergency, and being called up by some member, and on vote by the Council, shall be read three successive days before passed, liable however to amendments on a second reading; and no ordinance, decree, or resolution shall be finally passed until after a third reading.

Mr. Perry moved to lay it on the table until the first day of March next, which was rejected.

On motion of Mr. Millard, it was ordered to lie on the table.

On motion of Mr. Parker, the house took up the ordinance, making provisions for the army now in the field.

Mr. Harris moved to amend it by adding to the list of articles to be purchased “25 camp kettles,” which was agreed to.

Mr. Parker moved to amend by adding twenty axes, which was agreed to.

Mr. Harris moved to amend further by adding “two dozen shovels, and two dozen spades;” which was agreed to.

Whereupon, on motion of Mr. Parker, the ordinance as amended was passed.

Mr. Wharton, from the committee on Military Affairs, presented the following report:

Your committee to whom was referred that part of the Governor's Message which relates to the “organization of the Civil and Topographical Engineer Corps, and the commencement of fortification and defence without delay;” have had the same under consideration, and beg leave to report.

Your committee, deeply impressed with the great importance of an established system and continued plan of national defence, and the many advantages resulting, not only from a successful protection of our, hereafter it is to be hoped, extensive commerce; but the peace and security of

our maritime borders, approach this part of the message, with manifest feelings of satisfaction and delight, and announce their entire accord-ance in opinion with his Excellency on this subject.

In submitting the result of their labours to this body, in search after the requisite materials out of which to form the corps above described, your committee have to confess that our country at this moment, what-ever it may possess of enterprise and skill, talent and industry, in other branches of science, adapted to the more immediate necessities of a pioneer population, is nevertheless, almost entirely destitute of that species of knowledge essential to the construction of fortifications and works of defence, in Bays or Harbors, known technically as the art of engineering. This subject requires the study of a whole life, and a thorough acquaintance with its principles and practice, is only acquired by an application severe, painful and unremitting. How can it be expected, therefore, that a corps of so high a grade of merit, talent, and skill, should be found to exist in embryo as it were, among a population so recently concentrated from various parts of the world, in this land of our adoption. We may probably possess within ourselves the materials necessary, but except in a very few instances they have not shown themselves to the consideration of a deserving and intelligent people.

Your committee therefore, in default thereof, recommend that we direct our search to the United States, and procure from thence as many gentlemen of acknowledged scientific attainments in this arm of defence as may be necessary. And that this important duty be confided to our three agents, Messrs. Austin, Archer and Wharton, who are soon to proceed on their mission.

Your committee with a view to the furtherance of the object of the above report, herewith present to this body a bill, which in its enactments will embrace all the objects contemplated in that part of the Governor's Message.

On motion of Mr. Millard, the foregoing report was received.

Mr. C. B. Stewart, the Secretary elect to the Executive, and enrolling Clerk of the Council, appeared and took the oath prescribed by the organic law.

On motion of Mr. Perry, it was

“Resolved, that a standing committee of two be appointed by the President to be termed the committee on enrollment; which was adopted.

Mr. Parker, introduced an ordinance and decree authorizing certain officers to administer the oath of office prescribed by the organic law, creating a provisional government in Texas;” which was read and ordered to lie on the table.

Mr. Millard, introduced an ordinance entitled an ordinance and decree regulating offices under the Provisional Government; which was read and ordered to lie on the table.

On motion of Mr. Barrett, the Council adjourned to half past 2 o'clock p. m.

HALF PAST TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

The Governor returned “approved,” an ordinance making provision for the army now in the field.

Mr. Parker, presented the following, which was adopted.

Whereas, Wm. Pettus, Sergeant at Arms of the Consultation, having requested that Alexander Blair, his substitute, should receive the compensation to which he would have been entitled, had he performed the duties himself.

Therefore, be it resolved, That the said Alexander Blair, be and he is hereby authorized to receive from the Secretary a certificate in his own name, for services rendered to the Consultation as Sergeant at Arms, and that the Secretary be required to execute the same.

Mr. Parmer, presented the account of Mrs. A. B. Peyton, for oxen and waggon pressed into service, which was, on motion of Mr. Parker, referred to the Committee on Finance.

Mr. Houston, from the Committee on Military Affairs, presented the following report:

Your committee to whom was referred the proposition of Capt. A. Hotchkiss, to raise a corps of artillery, have had the same under consideration, and have thought proper to return it to the Council.

Mr. Millard, moved that Mr. A. Hotchkiss, be elected a captain in the regular army of Texas, and after some debate the mover withdrew his motion, and moved that the foregoing report and accompanying documents be referred to a select committee of two, which was agreed to.

The President appointed Messrs. Millard and Clements, as the committee.

On motion of Mr. Harris, the Council took up the report of the Committee on Naval Affairs, which was laid on the table yesterday.

On motion of Mr. Barrett, the report was ordered to be read section by section.

The first section having been read, was on motion of Mr. Barrett, adopted.

The second section having been read, on motion of Mr. Barrett, the words "no other nation" were stricken out, and the words "the high seas" inserted, when the second section was adopted.

The third section having been read, Mr. Parmer moved to strike out "25" and fill the blank with "5 per cent;" other amendments having been accepted by the committee, on motion of Mr. Barrett, the 3rd section was adopted.

The fourth section having been read, it was moved to strike it out, which was agreed to.

The fifth section having been read, Mr. Clements moved to strike out the words "six months" and insert the words "three months," which was agreed to.

After some conversation among the members, Mr. Hanks moved a re-consideration of the question on striking out, which was carried, and the words "six months" again inserted, when the entire report, as amended, was adopted.

A letter from the Committee of Vigilance and Safety of Nacogdoches was read to the Council, which, on motion, was referred to the committee on Military Affairs, with instructions to make a copy to be forwarded to the army, and to send another copy to the publishers of the Telegraph, with a request to have it printed.

A recommendation of M. W. Smith, for the office of Major was presented and referred to the Committee on Military Affairs.

Mr. Barrett presented to the Council a communication from Mr. A. Houston, resigning his seat as a member of the Council.

On motion of Mr. Barrett, it was

“Resolved, that the resignation be accepted, and that a vote of thanks be tendered to Mr. Houston for his faithful discharge of his duties, not only as a member of the Council, but as a delegate to the Consultation, and that the same be entered on the Journals of the Council:” carried unanimously.

On motion of Mr. Barrett, it was made the duty of the Secretary of the Council to wait upon the Governor, and inform him of the vacancy in the Council, occasioned by the resignation of Mr. Houston, and also of the vacancy occasioned by the absence of Mr. Menifee, of Austin.

On motion the Council adjourned to 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. A. E. C. Johnson, supernumerary member from San Augustine, presented himself, took the oath prescribed by the organic law, and was admitted to a seat to supply the vacancy occasioned by the resignation of Mr. Houston.

Mr. Perry, from the Committee on Naval Affairs, introduced an ordinance and decree for granting letters of Marque and Reprisal, and for the establishment of a Navy, which was read the first time.

Mr. Millard, moved to strike out “employ” which was agreed to.

Mr. Wharton, moved to strike out the last section, which was rejected.

The question was then taken on the passage of the ordinance, and decided in the affirmative.

The president submitted the following letter from Gen. S. F. Austin.

HEAD QUARTERS, BEFORE BEXAR, }  
November, 14th, 1835. }

*To the Consultation of Texas:*

I have the satisfaction to inform you, that since my last, some important advantages have been gained over the enemy. Capt. Travis has taken three hundred head of horses that were sent out of Bexar to Laredo. They are poor horses and were taken out of Bexar about forty miles.

The enemy is closely shut up in Bexar, and more and more discouraged every day. All we need is perseverance and reinforcements, to keep up the army. I entreat the Convention to hurry on reinforcements to keep up the army, with all possible dispatch, and the campaign will soon end. There is very little prospect that the enemy will get any aid from the interior.

Respectfully,

Your obedient servant,

S. F. AUSTIN.

At the suggestion of the President, a committee of three consisting of Messrs. Barrett, Parker and Hanks, were appointed to draft an address to the people of Texas, which, together with the foregoing letter, should be forthwith printed for wide circulation. To afford time to the committee to prepare an address, the House took a recess of thirty minutes.

When the time expired, the Council re-assembled.

Mr. Barrett, from the committee, reported the following address.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 19, 1835. }

FELLOW-CITIZENS OF TEXAS:

The foregoing letter has just been received and read before the General Council, left in charge of the Provisional Government.

It speaks a language too cheering in prospect of success against our enemies not to arouse the most ardent patriotism in the bosom of every friend of liberty, and especially in the hearts of our fellow-citizens of Texas. By a resolution unanimously adopted in your Council, we are prompted to call upon our fellow-citizens to rally around the standard of their country, and unite in accomplishing the glorious object contemplated in the letter from the Commanding General before Bexar, and rid Texas of the last vestige of her enemies.

The incitements to this, must be felt in every mind. Freedom and the establishment of our rights are the objects, and glory is the certain consequence of success. We assure you, fellow-citizens, that your army now in the field has the warmest feelings, and most unalterable determination of your Representatives to give it aid, comfort and support. Come then! Liberty and your country call. The gratitude of your country will speedily be manifested through the representatives now assembled, in substantial bounties and liberal rewards, such as brave and patriotic men may ever hope from an intelligent and grateful people. It may be satisfactory to volunteers, who engage in this glorious enterprize, to know that all the supplies of provisions and clothing, suited to the necessities of this inclement season, have been procured, and are procuring through the people's agents, appointed for that purpose, and that all their demands will be promptly answered. Let no discouraging reports, or vague and undefined rumors prevent your hasty co-operation with your brethren in the field: be assured that your representatives will not deceive you, nor mis-direct your efforts. God and Liberty is the watchword, peace and tranquillity your reward.

D. C. BARRETT,  
Chairman.

DANL. PARKER, }  
WYATT HANKS, } Committee.

The preceding report having been read, was unanimously adopted, and ordered to be signed by the President and Secretary, and all the members present, and that the same be published in all the papers in Texas, and 500 copies thereof be printed in hand-bill form for circulation.

JAMES W. ROBINSON,  
Lieut. Governor, and ex-officio President of the  
General-Council of Texas.

A. E. C. Johnson,  
Jesse Grimes,  
W. P. Harris,  
Henry Millard,

Martin Parmer,  
Claiborne West,  
J. D. Clements,  
Juan Antonio Padilla.

P. B. DEXTER,  
Secretary of the General Council.

Mr. Barrett presented the following resolution, which was adopted:

“Resolved, that a committee of five be appointed to report instructions for the government of our agents, about to depart for the United States, and report as soon as practicable.”

The President appointed Messrs. Wharton, Barrett, Parker, Millard and Harris that committee.

On motion of Mr. Barrett, it was

“Resolved, that the committee on State Affairs and Judiciary be, and they are hereby instructed to report an ordinance and decree, pledging the public land and faith of the country for the payment of the principal and interest of any loan of money, or purchase of property, that the agents appointed by this Convention may think proper to make and report as soon as practicable.”

On motion, the Council adjourned till 9 o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 20th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

On motion of Mr. Barrett, the House took up the ordinance declaring the mode of passing, signing, and publishing the ordinances, decrees and resolutions of the Provisional Government of Texas, which was read, and the question being taken on its final passage, was decided in the affirmative.

The Executive's Secretary presented the following message from the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the honorable, the President, and  
Members of the General Council.*

GENTLEMEN—I have now before me your ordinances No. 1st and 2nd, the 3rd having received my signature on account of its having been presented first; I would only suggest to your honorable body the propriety of having their enactments presented in regular numerical order, inasmuch as it would tend to make our journals more uniform and consistent. As it respects the first ordinance, I only suggest its amendment so as to allow the Executive the three full days from the time of its reception in that department without regard to the date of its passage before the House; with these remarks I herewith return the first decree, the second being under consideration, and will be returned as soon as practicable.

With sentiments of the highest regard and consideration, I remain  
Your obedient servant,

HENRY SMITH.

San Felipe, 20th November, 1835.

On motion of Mr. Parker, the ordinance declaring the mode of passing, signing, and publishing the ordinances, decrees and resolutions of the Provisional Government, returned by the Governor, with objections, was committed to the committee who reported it, with instructions to amend it in conformity to the suggestions of the Governor.

On motion of Mr. Perry, certain documents in the Castilian language were handed to Judge Chambers, with a request that he would translate them for the benefit of the Council, which request he complied with.

On motion of Harris the Council adjourned till 7 o'clock p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Clements, the House took up the ordinance regulating offices under the Provisional Government, when Mr. Clements moved that the rule of the House be suspended, in order to its passing to a third reading, which, upon a division being called for, was decided in the affirmative, by the casting vote of the President.

The ordinance having been read a third time, the question on the motion of Mr. Parmer was taken on its final passage, and decided in the affirmative.

Mr. Parker, from the Committee on State and the Judiciary, to whom was committed the ordinance declaring the mode of passing, signing, and publishing the ordinances, decrees, and resolutions of the Provisional Government, with instructions to amend the same, in conformity to the suggestions of the Governor, reported the same amended; whereupon, on motion of Mr. Parmer, the ordinance, as amended, was passed.

The accounts of Wm. Stawder were presented, and referred to the Committee on Finance.

The Executive's Secretary presented the following message from his Excellency, the Governor.

#### EXECUTIVE DEPARTMENT OF TEXAS.

*To the honorable the President, and  
members of the Legislative Council:*

GENTLEMEN—The second ordinance, passed by your body, is now before me, and has received my serious consideration, so much of it as goes to the establishing of the salaries of the different officers therein named, I feel bound to object to. Inasmuch as the chosen delegates of all Texas, in Convention assembled, determined to preserve strictly the rules of economy, by rigidly expunging the names of offices well known to be absolutely necessary for proper organization, it would now be deemed in us, with whom the power has been deposited, a great error, or stretch of that power, if we should create offices, with what the people should consider high salaries. I have every wish that the labourer should be well paid for his services, but inasmuch as we have not a rich Treasury, and our country involved in war, I think much should be performed through motives of patriotism. It must be evident to all, that the Convention when voting the salaries of the Governor and Lieut. Governor, were actuated from such motives, well knowing their offices were the most arduous and responsible within their gift. And as such, I consider all permanent officers should be graduated from them, and allowed per annum salaries.

It is quite uncommon that the highest officers should receive the lowest salaries. I therefore object to that part of the bill.

To the 6th and last decree in the bill, I object, for the following reasons: There is no printing press at Washington, which I deem es-

sential to our business; the public printing has not been yet completed or contracted for, which should be superintended by your body, nor has there been any Legislative action known to me, prescribing or defining the duties of our agents to be sent abroad; their commissions with authority to hypothecate the public lands and pledge the faith of the country, to answer our present emergencies, have not been made out. Commissions granting letters of Marque and Reprisal, have been earnestly solicited, both by our own citizens and foreigners, and as yet, have not been acted on. These are things I deem of the most urgent and vital importance, and should receive prompt attention.

Furthermore, I am not apprized that your body has made the necessary arrangements for our comfortable location at Washington. It appears to me probable that more might be lost than gained by the move; be that as it may, the move as contemplated and incorporated in the 6th decree I deem premature, and calculated to produce delay and great injury; as such, I feel bound to object to it. I would beg leave to suggest to your honorable body that, notwithstanding our situations here may be uncomfortable, and none can be more so than my own, still a sense of public duty urges me to earnestly solicit your body to submit themselves to all inconveniences for the present, until the grand and important business of necessity can be accomplished, and they will find me willing to co-operate with them in the selection of any point which they may deem best calculated to promote our own convenience, and advance the public good.

With sentiments of the highest regard and consideration, I remain,  
Gentlemen,

Your obedient servant,

HENRY SMITH,

Governor.

San Felipe, 20th November, 1835.

On motion of the Council adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 21st, 1835. }

NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Harris moved that the names of members moving adjournments of the Council be expunged from the minutes, which was negatived.

The President appointed Messrs. Millard and Grimes the Committee on Enrollments.

Mr. Wharton, from the Committee on Military Affairs, presented the following report, accompanied by an ordinance and decree to establish and organize a corps of Rangers.

"Your committee, to whom was referred that part of the message in relation to the corps of Rangers, have had the same under consideration, and beg leave to report,—

“That in the opinion of your committee this corps ought immediately to be organized and put into active service, and with the view of rendering its usefulness and members more conformable to the number of men in each company of the regular army, your committee recommend that the whole number of rangers be one hundred and sixty-eight, and consequently these divided into three companies of fifty-six men each, to be commanded by one Captain, and one 1st Lieutenant, and one 2nd Lieutenant for each company; the whole number constituting a Battalion, under the command of a Major.

“Your committee would further recommend the immediate appointment by the Council of all the officers of this corps, and that they report to the commander-in-chief as soon as possible.

“Your committee present an ordinance to your honorable body for adoption, which, in its enactments, embraces all the objects contemplated by the decree of the Convention.”

Which was read a first time and ordered to a second reading.

Mr. Wharton, from the Committee on Military Affairs, presented the following report, accompanied by a bill of articles for the army of Texas:

“The committee to whom was referred that part of the Governor’s message on the subject of providing the necessary munitions of war, make the following report:

“That they recommend to the Council the propriety of appointing Branch T. Archer, \_\_\_\_\_ special agents to purchase the annexed bill of munitions of war; that they be instructed to employ agents of known skill and science to make the purchases—that they procure as many of the articles as practicable in New Orleans, and forward them without delay; and that they purchase the remainder so soon as they arrive at the place where they can be procured.”

JOHN A. WHARTON, Chairman.

The ordinance accompanying the above, was read a first time, and ordered to a second reading.

Mr. Wharton, from the Committee on Military Affairs, presented the following report, accompanied by an ordinance and decree to raise a regular army.

“Your committee to whom was referred that part of the Governor’s message relating to the army and its complete organization, and supply with provisions and munitions of war, have had the same under consideration and beg leave to report,—

“Your committee, in viewing the numerical force of the army to be organized and established by the organic law of the Convention, and the different corps therein contemplated, have formed the following estimate of that essential arm of our defence, whose amount and numbers have been limited by that decree. The Convention has fixed the regular force of Texas, besides permanent volunteers, and rangers, at 1120, rank and file; and under these data your committee have proceeded to designate what species of corps shall constitute the regular army, properly so called.

“If the belligerent state of Texas did not warrant, and the Convention had not decreed, that a part of the active force should consist of Permanent Volunteers from the United States, and elsewhere, your committee would not have been at a loss for a moment to determine and classify the

regular army of Texas; but, inasmuch as we shall receive a large body of volunteers from the United States, who must place themselves in the list of that class, and the great majority of whom will be riflemen.

“Your committee have deemed it more conducive to the perfect organization of the army, to constitute one entire regiment of Artillery, and one entire regiment of Infantry. This classification is predicated upon the fact that the immediate defence of the sea coast, agreeably to the resolution and decree of the Convention, will require five companies of artillery at the different points therein indicated, and that there will be required for offensive operations in the ensuing campaign, against San Antonio de Bexar, one battalion, or five companies more.

“Your committee would therefore recommend the following organization of the regular army, viz:

One regiment of Artillery,	-	-	560 men.
One regiment of Infantry,	-	-	560 “

Total number, rank and file, as per decree,	1120
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In this organization it follows that each regiment will consist of two battalions, each battalion of five companies, and each company of fifty-six men rank and file.

“The committee would suggest that as in all well regulated Military establishments, in every country, the officers of the Engineers and Artillery are selected from their superior science and education, and the duties of an artillery officer must necessarily be acquired by an acquisition of at least the rudiments of the more exalted science of engineering, and as they are frequently called to exercise their talents in both capacities, (as was formerly the case in the United States of America, before the establishment of an Engineer Corps,) one additional Lieutenant-Colonel, and one additional Major be added, and one additional Lieutenant to each company in the corps of artillery as indispensable to the double service contemplated. The regiment of artillery will be officered as follows:

One Colonel, two Lieutenant-Colonels, two Majors, ten Captains, ten First Lieutenants, ten Second Lieutenants, and ten Third Lieutenants.

The regiment of infantry will be officered, as follows: One Colonel, one Lieutenant-Colonel, one Major, ten Captains, ten First Lieutenants, and ten Second Lieutenants.

The decree of the Convention, adopting the discipline and tactics and the rules and regulations of the army of the United States of the North, as the governing principle of the Military code and discipline of the army of Texas, places this subject of the labor of your committee at rest, both as to its certainty and precision, and superior advantages of that code.

“Your committee do not entertain a doubt of its entire applicability to the circumstances, spirit and organization of our regular force, as well as permanent volunteers and militia when in the field.

Your committee therefore recommend the passage of the accompanying ordinance, and would respectfully urge upon the General Council, to appoint at least one half of the officers immediately, from the Captains down, in order that when reported for duty, to the Commander in Chief,

they may be ordered on the recruiting service: a measure which they deem essentially necessary to filling up the ranks of the regular army.

The ordinance accompanying the above, was read first time and ordered to a second reading.

Mr. Millard, from the committee on enrollments, reported as duly enrolled, "An ordinance regulating offices under the Provisional Government.

Mr. Barrett, from the select committee appointed to prepare instructions for the agents elected by the Convention, to represent Texas in the United States of the North, presented the following report, accompanied by an ordinance to authorize and empower Thomas F. McKinney, of Velasco, to borrow one hundred thousand dollars, and making it the duty of the Governor to give him corresponding commission, instructions, &c.

Your committee beg leave to report, that upon considering the matter, they are unable to find any acts of the Convention, or of this Council, whereon to base instructions for the conduct of said agents, or any "data" which can guide your committee in an opinion of their duties, but from all the information they can obtain, your committee have concluded, that the agents should receive their instructions from the Executive; but in order to enable the Governor to give the necessary instructions, an ordinance should first be originated by the Committee of State, and passed and approved, defining in general, the powers and duties of the agents, and make it the duty of the Executive to give such instructions as will be conformable to the resolutions of the Convention and the ordinances of the General Council, made with reference to the subject in view, when this office was created. But your committee cannot advise that the Committee of State be instructed upon this subject with propriety, until the reports of the several committees on the Military, Navy and Finance, have been received and passed, &c., and advise that this Council instruct these committees severally, to make their general reports upon the matters referred to them, when the Committee of State will be prepared to report an ordinance as suggested for the consideration of this Council.

Your committee therefore ask to be discharged from the further consideration of the matter submitted, but take the liberty to report the following ordinance, which they are induced to do from the emergency and great press of business.

On motion of Mr. Barrett the above report was received.

The ordinance accompanying the above, having been read the first time, on motion of Mr. Parker, the rule of the House requiring ordinances, &c., to be read on three successive days was suspended, and the ordinance read a second time.

On motion of Mr. Parker, the rule was further suspended, and the ordinance read a third time and passed.

On motion of Mr. Parmer, the Council adjourned to half past two o'clock, p. m.

HALF PAST TWO O'CLOCK, P. M.

The Council met pursuant to adjournment.

A paper marked No. 6, was read to the Council, and referred to the Committee on Finance.

Mr. Wharton, from the Committee on Military Affairs, presented the following report:

Your committee to whom was referred that part of the Governor's Message, respecting the organization of the militia, have had the same under consideration, and beg leave to report as follows:

Your committee having investigated the ordinance or decree of the Convention, respecting the organization of the militia, would respectfully suggest, that in order to amend the decree so as to have effect, it would be necessary that the Council should recommend three persons in their several jurisdictions, whose duty it should be to carry the proclamation of his Excellency into effect, and to divide the several jurisdictions, into militia districts, to advertise and execute the mandate of the Executive, in order that there be neither neglect or default.

On motion of Mr. Millard, the above report was received and referred back to the committee that reported it, with instructions to report again in form of an ordinance.

On motion of Mr. Barrett, the House took up the ordinance for appointing a Treasurer to the Provisional Government of Texas, a Secretary to the Executive, and two Chief Clerks, defining their several duties, &c., returned by the Governor, the objections of the Governor having been read.

The question was taken, shall this ordinance now pass, the veto of the Governor to the contrary notwithstanding.

The ayes and noes being called, every member voted in the negative.

Mr. Parker moved that the 6th section be adopted. The ayes and noes were called for, which stood thus:

Ayes—Messrs. Barrett, Grimes, Parker and Parmer—4.

Noes—Messrs. Clements, Johnson, Millard, Harris, Hanks, Wilson, West and Padilla—8. So the motion was lost.

The President appointed Mr. Johnson on the Committee on Land and Indian Affairs.

Account marked No. 7, was presented to the Council, and on motion of Mr. Barrett, the account was allowed, and an order granted on the Treasury.

Mr. Millard from the Committee on Finance, presented the following report:

Your Committee of Finance to whom was referred the accounts marked 4 and 5, have had the same under consideration, and beg leave to report that they are satisfied with the correctness of said orders, and would move the adoption.

Mr. Barrett moved that the account marked 5 be acknowledged and paid, which was agreed to.

On motion of Mr. Barrett, Mr. Clements was requested to make out a form for contractors on receipting for services rendered.

On motion of Mr. Barrett, the ordinance for appointing a Treasurer, &c., was referred back to the Committee on State Affairs and Judiciary.

On motion the Council adjourned to Monday morning nine o'clock.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 22nd, 1835. }

The Council met on the special order of the President.

The President submitted a letter from Capt. E. Hall, suggested the propriety of granting a commission with letters of Marque and Reprisal to Mr. A. C. Allen, which was read.

On motion of Mr. Harris, the ordinance for granting letters of Marque and Reprisal, and for establishing a Navy, was taken up and read the second time.

Mr. Harris, moved to amend the ordinance by inserting between the words "Texas" and "that" the following, "that the Governor, by and with the advice and consent of the Council, shall have power to grant letters of Marque and Reprisal;" which was agreed to.

On motion of Mr. Millard, the rule in this case was suspended and the ordinance was read the third time, when the question was taken on its final passage and decided in the affirmative.

On motion of Mr. Palmer, the House took a recess of two hours.

At the expiration of that time the Council re-assembled.

Mr. Parmer presented the following, which was adopted.

Whereas, Major General Sam. Houston, Commander in Chief of the forces of Texas has received a tender of the services of Lieut. James Bonnell, of the United States Army, and has expressed a decided wish to accept the services of Mr. Bonnell as an accomplished officer.

"Therefore, be it Resolved, by the General Council, that we recommend the acceptance of the services of Mr. Bonnell, and his appointment to the situation of Aid-de-Camp to the Commander-in-Chief."

The President submitted to the Council several communications from Nacogdoches and San Augustine, which were read.

On motion of Mr. Harris, the resolution of the Committee of Safety of San Augustine, dated October 29th, 1835, was referred to the Committee on Land and Indian Affairs.

On motion of Mr. Harris, it was

"Resolved, That the Committee on Military Affairs, select such matter from the communications from Nacogdoches as they may deem proper, and report the same to the Council.

His Excellency the Governor, returned to the Council approved, a resolution respecting Lieut. Bonnell, &c.

On motion of Mr. Hanks, it was

"Resolved, That Mr. Millard be appointed to procure the necessary supplies for a company of volunteers, now on their way to the army.

The President laid before the Council the certificate of the election of Messrs. Powers, Malone and Frazer, as delegates to the Consultation, from the Municipality of Refugio.

Whereupon, on motion of Mr. Parmer, Mr. Power was notified that he would be received as a member of the General Council.

On motion of Mr. Millard, the Council adjourned till 9 o'clock, tomorrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 November 23, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Power, from Refugio, presented himself, took the oath prescribed by the organic law, and was admitted to a seat in the Council.

On motion of Mr. Harris, it was

“Resolved, That a select committee of three be appointed to examine and report upon the papers and documents relating to the election of Ira Westover, as a member of the Consultation from the Municipality of Goliad, and his right to a seat in the General Council.

The President appointed Messrs. Harris, Power and Milard that committee.

Mr. Hanks, from the Committee on Military Affairs, made the following report:

Your committee to whom was referred certain documents and letters from the committee of safety and vigilance of Nacogdoches, containing information useful to the army of the people, beg leave to report, that they have performed the duty assigned them, and pray to be discharged from the further consideration thereof; which, on motion, was received and adopted.

Mr. Parker, from the Select Committee to whom had been committed the duty to provide committee rooms, begged leave to report, that no suitable room is yet found for the Executive. The present Council room is thought by your committee to be the most suitable for the Council of any yet found. Three committee rooms are provided, one at Mr. Johnson's, for the use of the Military Committee, one at Doct. Small's, for the use of the Committee on Finance, one at Mr. Fletcher's, for the Committee on State Affairs. And your committee would recommend that this Council room should be under the control of the Committee on Land and Indian Affairs, in time of adjournments.

DANIEL PARKER, Chairman.

On motion, the above report was received.

Mr. Clements, introduced an ordinance prescribing the manner and form of settling the accounts of the volunteer army of Texas, which was read the first time and ordered to a second reading.

Mr. Wilson presented the following, which was ordered to lie on the table.

“Resolved, That the Chairman of the Committee on Finance, be required to report on matters properly before them.”

On motion of Mr. Hanks, the House proceeded to the consideration of the orders of the day.

An ordinance and decree to raise a regular army, was taken up and read a second time.

Mr. Harris moved to amend the first section, by adding after the words “two years” or “during the war,” which was agreed to.

Mr. Millard moved to amend it by substituting one Colonel, one Lieutenant-Colonel, and one Major of Infantry, instead of two Lieutenant-Colonels and two Majors, which was agreed to.

Mr. Hanks moved to amend the ordinance by adding the two following sections:

SEC. 5. Be it further ordained and decreed, that every non-commissioned officer and private of the regular army of Texas shall receive, and it is hereby granted to him or his heirs, or legal representatives or assigns, one mile square or 640 acres of land, after he shall have received an honorable discharge, to which he shall be entitled, for faithful service agreeably to the terms of his enlistment.

SEC. 6. Be it further ordained and decreed, That there shall be enlisted for each company of the regular army of Texas one drummer and one fifer, who shall be entitled to the pay rations and clothing of a sergeant, and to the same bounty in land as the non-commissioned officers and privates of the regular army, which were adopted, when the ordinance was ordered to a third reading to-morrow.

An ordinance to establish and organize a corps of rangers, was taken up and read a second time.

Mr. Parker moved its re-committal to a special committee of three, which was negatived.

Mr. Wharton moved that the rule of the House be suspended, and the ordinance read a third time, which was negatived, and the ordinance ordered to a third reading to-morrow.

On motion of Mr. Barrett, Mr. John W. Moody of the Municipality of Mina, was elected Clerk to the Committee on Affairs of State, and Judiciary, and Finance.

On motion, the Council adjourned till 9 o'clock, to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 November 24, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Barrett, from the Committee on State Affairs and Judiciary, presented an ordinance for appointing a Treasurer to the Provisional Government of Texas, a Secretary to the Executive, and two Chief Clerks, defining their several duties, &c., which was read a first time and ordered to a second reading.

On motion, the President ordered the sergeant-at-arms to cause the noise which annoyed and interrupted the Council to cease.

The sergeant-at-arms returned and reported that Mr. Urbane refused to desist from interrupting the Council.

Whereupon the President issued a warrant for the sergeant-at-arms to arrest Mr. Urbane.

The sergeant-at-arms brought Mr. Urbane before the Council, when he made suitable apology, and, on motion of Mr. Barrett, was discharged.

Mr. Hanks, from the Committee on Military Affairs, introduced an ordinance for the organization of the Militia, which was read a first time.

On motion of Mr. Wharton, the rule was suspended, and the ordinance read a second time.

Mr. Clements moved to amend the ordinance by adding the two following sections:

SEC. 7. Be it ordained and decreed that the regimental staff shall consist of one Adjutant, to be taken from the subaltern officers of the line, one Quartermaster, one Paymaster, one Judge-Advocate, and one Sergeant-Major to be appointed by the Colonel.

SEC. 8. Be it ordained and decreed, &c., that the Governor, as commander-in-chief of the militia, shall be entitled to four aids-de-camp, to be appointed and commissioned by himself, with the rank of Colonel, which were adopted.

When the ordinance was read a third time, and the question being taken on its final passage, was decided in the affirmative.

On motion of Mr. Barrett, the House took up the ordinance for appointing a Treasurer to the Provisional Government of Texas, a Secretary to the Executive, and two Chief Clerks, defining their several duties, &c., which (the rule of the House having been suspended,) was read a second and third time, when the question was taken on its final passage, and decided in the affirmative.

On motion of Mr. Parmer, Mr. Power was added to the standing Committee on Land and Indian Affairs.

Mr. Harris, from the Select Committee on the election of Mr. Westover, presented the following report:

Your committee to whom was referred the affairs of Mr. Westover, member or delegate elect from Goliad, to the Convention of Texas, beg leave to report, that they have had all the information relative to, and circumstances of the election of, Mr. Westover before them that they can procure, and that it is necessary to convince your committee that Mr. Westover is entitled to a seat in this Council.

WM. P. HARRIS, Chairman.

Which report was adopted.

Whereupon, the President requested Mr. Wilson to announce to Mr. Westover that he could take his seat in the Council.

Mr. Westover presented himself, took the oath of office prescribed by the organic law, and was admitted as a member.

On motion of Mr. Barrett, the House took up the ordinance for the organization of a corps of Rangers, which was read a third time, when the question was taken on its final passage, and decided in the affirmative.

Accounts marked 8 and 9 were laid before the House, and, on motion, were referred to the Committee on Finance.

The Council then took up the ordinance prescribing the manner and form of settling the accounts of the volunteer army of the people of Texas, which was read a second time.

Mr. Grimes moved to amend the ordinance by adding the word "boats" among the items of charges, &c., which was agreed to.

On motion, the rule of the House was suspended, and the ordinance was read a third time, when the question was taken on its final passage and decided in the affirmative.

Mr. Millard, from the Committee of Enrollments, presented, as duly enrolled, an ordinance authorizing certain officers to administer the oath of office prescribed by the organic law, creating a Provisional Government in Texas.

The Council then took up the ordinance to raise a regular army, which was read a third time, when the question was taken on its final passage and decided in the affirmative.

The Council then took up the ordinance to purchase munitions of war, provisions, arms, &c., for the army of Texas, and the defence of the sea coast, which, after some consideration, was ordered to lie on the table until to-morrow.

On motion of Mr. Grimes, it was

“Resolved, that all accounts presented to the Council for allowance, &c., shall be referred to the Committee on Finance, and that they be required to report by ordinance or otherwise.”

Account marked No. 10 was laid before the Council, and, on motion was referred to the Committee on Finance.

A communication was submitted to the Council, from Mr. Johnson, resigning his seat in the Council, on account of ill health, which, on motion of Mr. Parmer, was accepted.

On motion of Mr. Parmer, it was made the duty of the Secretary to communicate to the Governor the vacancy in the Council, occasioned by the resignation of Mr. Johnson.

The Executive’s Secretary presented the following message from his Excellency the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the honorable, the President, and  
Members of the Legislative Council of Texas:*

GENTLEMEN—I have under review three bills which have been passed by your body, and forwarded to this department. I have duly considered the same, and herewith transmit them, with such remarks as appeared to me consistent.

The bill authorizing Thomas F. M’Kinney to proceed to borrow, for the use of the Provisional Government, the sum therein named. I have only to suggest to your body the impropriety of employing agents with powers which may conflict with the duties and powers of our general agents, elected by the Convention, with a view to be immediately dispatched, with full and ample powers to perform all the duties incorporated in said bill, who will also be authorized and instructed by your body to perform all such other duties as the nature of their mission and the exigencies of the country may require.

I would only suggest to your honorable body the propriety of making out instructions, with the proper commissions to those agents thus elected, in order that they be immediately dispatched to perform the duties assigned to them. And that a committee of fit and suitable persons be appointed to take this matter under their consideration. And in the event that those agents specially appointed by the Convention do not present themselves, that you immediately proceed to appoint others who will serve; this is a matter which I consider of the most vital importance, and deserves your prompt attention.

The ordinance next under my consideration, is the ordinance and decree regulating offices under the Provisional Government which I approve and have signed.

The next in order is the ordinance establishing a Navy, and granting letters of marque and reprisal. To this bill I am bound to object as it now stands. The privileges granted to privateers seems to me rather unbounded.—That this Government takes all the responsibilities without any interest in the captures which may be made.

If prizes are brought into our ports, the Government will be at the expense of adjudication and sale, without remuneration, provided they should be found lawful prizes, if not lawful prizes they will be bound to make remuneration for the act of their commissioned agents, who have brought into our ports prizes which cannot be condemned and sold as such. Besides, I consider, agreeably to the provisions of the ordinance, that privateers would have an unbridled licence to roam at large, without being particularly under the control of the Government, and kept within limits calculated to protect our own commerce, and might, in the end, be productive of more injury than good. And, notwithstanding I have recommended and urged the granting of letters of marque and reprisal, if they are not commissioned in a manner calculated to promote the public good by annoying our enemies and protecting our own commerce, they might prove injurious to the Government rather than an advantage. As such I would like, if commissions are issued, that they would not derogate from similar privileges granted by other governments.

As it respects that part of the bill making provisions for the creation of a Navy. If it should be made out in a separate bill for that purpose, it would appear much better, and would entirely meet my views, as I deem it entirely necessary for the protection of our commerce. It is highly probable that those persons wishing to fit out privateers would tender their vessels and services to the Government, by having the proper guarantees, and submit themselves entirely to the control and supervision of the Government. This, if it could be effected, would be much better than granting an unbridled, roaming license to privateers, which would neither be productive of security or profit to the Government. I would therefore suggest the propriety of separating the substantive matter of the bill, and introduce one solely for the purposes of creating a Navy on proper principles, and leaving out the provision for granting letters of marque and reprisal, unless your honorable body may think proper to introduce it in a different shape, I am well aware that no good could result from granting commissions as contemplated by that portion of the bill and as such object to it.

I take this opportunity further to remind your body of the propriety of making, without delay, the necessary enactments calculated to authorize the commander-in-chief of the forces of Texas to issue his proclamation, in order that volunteers, and other troops, daily arriving on our shores, and from various parts of the country, may know to whom they shall report, and to whom they shall hold themselves amenable, either as volunteers for a specific time, or as recruits to the regular army, I deem it entirely uncalled for, and even imprudent, to furnish troops with clothing or other outfit, without a guarantee to know to whom they will submit themselves, or what the term of their service shall be.

With these hasty remarks I forward the bills enumerated, hoping your honorable body will make such disposition of my remarks as their better judgment may direct.

With sentiments of regard and consideration, I am

Your obedient servant,

HENRY SMITH,  
Governor.

November 24th, 1835.

The foregoing message having been read,

On motion of Mr. Barrett, the House proceeded to reconsider the ordinance authorizing and empowering T. F. McKinney, of Velasco, to borrow one hundred thousand dollars, and making it the duty of the Governor to give him corresponding commissions, instructions, &c.

The question was then put "shall this ordinance now pass? the veto of the Governor to the contrary notwithstanding."

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Barrett, Clements, Grimes, Harris, Hanks, Millard, Pamer, Parker, Powers, West, Westover and Wilson—12.

NOES—None; so the ordinance passed.

On motion of Mr. Harris, the Council proceeded to reconsider the ordinance for the establishment of a Navy, and for granting letters of marque and reprisal.

When the question was put "shall this ordinance now pass? the veto of the Governor to the contrary notwithstanding."

The Ayes and Noes being called for, the vote stood thus:

AYES—Messrs. Harris, Power and Westover—3.

NOES—Messrs. Barrett, Clements, Grimes, Hanks, Millard, Parker, Parmer and West—8: so the ordinance was lost.

On motion of Mr. Barrett, the ordinance was recomitted to the Standing Committee on Naval Affairs.

On motion of Mr. Harris, Mr. Westover was added to the Standing Committee on Naval Affairs.

Mr. Hanks presented the following resolution:

"Resolved, that this Council now go into the election of Judges for the several jurisdictions of Texas, and also the appointment of commissioners to carry into effect the organization of the militia as contemplated in the organic law, and in accordance with an ordinance and decree of the Council, and Proclamation of the Governor."

The foregoing resolution having been read, was adopted.

Mr. Barrett moved a reconsideration of the vote on the above resolution, which was carried, and the resolution ordered to lie on the table.

On motion, of Mr. Parmer, the Council adjourned till 9 o'clock tomorrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 November 25th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceedings having been read,

Mr. Barrett, from the Committee on State Affairs and Judiciary, reported as duly enrolled an ordinance for appointing a Treasurer to the Provisional Government, &c.

The Executive's Secretary presented the following message from his Excellency, the Governor.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
 Members of the Legislative Council.*

GENTLEMEN—I herewith transmit, for your information, the documents received from head-quarters, by express. You will make such dis-

position of them as your judgment may direct. I have also transmitted the two last ordinances sent by your body to this department, which I approve, and have signed.

The company of volunteers with Capt. Reed are now here and awaiting orders. You will therefore make such disposition of them as the interest and exigencies of the country may require.

I am, gentlemen, with sentiments of the highest regard and consideration,

Your obedient servant,

HENRY SMITH,  
Governor.

November 25th, 1835.

The message having been read,

On motion of Mr. Barrett, the Council went into secret session. After some time spent therein, the doors were opened, when, Mr. Millard, from the Committee on Enrollment, presented, as duly enrolled, an ordinance prescribing the manner and form of settling the accounts of the volunteer army of Texas.

Mr. Harris, from the Committee on Naval Affairs, presented an ordinance for granting letters of marque and reprisal, which was read a first time.

On motion of Mr. Parmer, the rule of the House was suspended, and the ordinance read a second time

Mr. Hanks moved that the words "twenty per cent." be stricken out, and the words "ten per cent." be inserted, which was agreed to.

On motion of Mr. Parmer, the rule of the House was further suspended, and the ordinance read a third time, when the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

Mr. Millard, from the Committee on Enrollments, presented, as duly enrolled, an ordinance and decree for organizing a corps of Rangers, and an ordinance and decree to raise a regular army.

Mr. Harris, from the Committee on Naval Affairs, introduced an ordinance for establishing a Navy, which was read a first time.

On motion, the rule of the House was suspended, and the ordinance read a second time.

Mr. Barrett moved that the words "high seas," be stricken out, and the words "Gulf of Mexico" be inserted, which was lost.

On motion, the rule of the House was further suspended, and the ordinance read a third time.

When the question was taken on its final passage, and decided in the affirmative; so the ordinance passed.

The Council then took up the ordinance and decree to purchase provisions, munitions of war, &c., for the regular army, and for the defence of the sea coast; and after some consideration, on motion of Mr. Barrett, it was laid on the table until to-morrow.

The President submitted to the House the petition of L. Smithers, for losses by volunteer army, &c., which was referred to the Committee on Finance.

Account, marked No. 11, was presented and referred to the Committee on Finance.

On motion the Council adjourned till 9 o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 26th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceedings having been read,

Mr. Dexter tendered his resignation, as Secretary of this Council, which was accepted.

Whereupon, Mr. Barrett nominated E. M. Pease for Secretary of this Council, who was unanimously elected, and after taking the oath prescribed by the organic law, entered upon the discharge of the duties of his office.

Mr. Harris, from the Committee on Naval Affairs, presented, as duly enrolled, an ordinance for establishing a Navy; and an ordinance for granting letters of marque and reprisal.

On motion of Mr. Wharton, the resolution for the appointment of Judges and Commissioners for organizing the militia, was taken up and passed.

On the nomination of Mr. Wharton, L. C. Manson was appointed First Judge, and Robert Mills Second Judge, for the jurisdiction of Brazoria.

On the nomination of Mr. Grimes, Mr. James Hall was appointed First Judge, and Hugh M'Guffin Second Judge, for the Municipality of Washington.

On the nomination of Mr. Clements, Andrew Ponton was appointed First Judge, and Charles Lockhart Second Judge, for the Municipality of Gonzales.

On the nomination of Mr. Barrett, Sinclair Gervis was appointed First Judge, and Thomas Kinny Second Judge, for the Municipality of Mina.

On the nomination of Mr. Parker, John Forbes was appointed First Judge, and Radford Berry Second Judge, for the Municipality of Nacogdoches.

On the nomination of Mr. Pamer, John G. Love was appointed First Judge, and W. N. Sigler Second Judge, for the Municipality of San Augustine.

On the nomination of Mr. Harris, H. H. League was appointed First Judge, and Nathaniel Lynch, Second Judge, for the jurisdiction of Harrisburg.

On the nomination of Mr. Hanks, George W. Smith was appointed First Judge, and Joseph Mott, Second Judge, for the Municipality of Bevil.

On the nomination of Mr. Parmer, Emery Rains was appointed First Judge, and James English, Second Judge, for the Municipality of Tenehaw.

On the nomination of Mr. West, Chichester Chaplain, was appointed First Judge, and on motion of Mr. Millard, William T. Hatton was appointed Second Judge, for the Municipality of Jefferson.

On the nomination of Mr. Padilla, Placido Benavidas was appointed First Judge, and Francisco Cardenas, Second Judge for the Municipality of Guadeloupe Victoria.

On the nomination of Mr. Westover, Encainacion Vasques was appointed First Judge, and Robert Galan, Second Judge, for the Municipality of Goliad.

On the nomination of Mr. Power, Martin Power was appointed First

Judge, and Martin Lawler, Second Judge, for the Municipality of Refugio.

On the nomination of Mr. Padilla, Juan N. Seguin was appointed First Judge, and Miguel Arceniega, Second Judge, for the Municipality of Bexar.

On the nomination of Mr. Wharton, George Ewing was appointed First Judge, and Gail Borden, Second Judge, for the Municipality of Austin.

On motion of Mr. Barrett, the appointment of Judges for the Municipality of Matagorda was postponed until to-morrow.

The Council then proceeded to elect Commissioners for organizing the militia.

On the nomination of Mr. Wharton, J. S. D. Byrom, Matthew Patton and James O'Conner were elected for the Municipality of Brazoria.

On the nomination of Mr. Grimes, James J. Foster, John W. Hall and Asa Mitchell were elected for the Municipality of Washington.

On the nomination of Mr. Barrett, James S. Lester, Samuel Wolfenberger and Reuben Hornsby were elected for the Municipality of Mina.

On the nomination of Mr. Clements, Wm. W. Arrington, Andrew Ponton and Benjamin Friqua were elected for the Municipality of Gonzales.

On the nomination of Mr. Grimes, Silas M. Parker, J. G. W. Pierson and William Taylor were elected for the Municipality of Viesca.

On the nomination of Mr. Parker, Richard Sparks, George W. Pollett and Arthur Henrie were elected for the Municipality of Nacogdoches.

On the nomination of Mr. Pamer, Samuel Davis, William Nash and Daniel M'Daniel were elected for the Municipality of San Augustine.

On the nomination of Mr. Harris, William Little, James Cooper and Wm. Scott were elected for the Municipality of Harrisburg.

On the nomination of Mr. Hanks, Isaac Werifrey, John Bevil and B. X. Mudd were elected for the municipality of Bevil.

On the nomination of Mr. Pamer, Richard Haley, Jonas Harrison, and William English were elected for the Municipality of Tenehaw.

On the nomination of Mr. West, Richard Bellew, George A. Patillo and Theron Strong were elected for the Municipality of Jefferson.

On the nomination of Mr. Padilla, Sylvester DeLeon, Placido Benavidas and Manuel Carabajal were elected for the Municipality of Guadalupe Victoria.

On the nomination of Mr. Power, Robert Carlisle, John Coglin and Eleanor Brush were elected for the Municipality of Refugio.

On the nomination of Mr. Westover, Caleb Bennett, Antonio Vasques and Ramon Falcon were elected for the Municipality of Goliad.

On the nomination of Mr. Millard, Hugh B. Johnson, B. W. Hardin and Jesse Devore were elected for the Municipality of Liberty.

On the nomination of Mr. Hanks, Thomas Gay, John Jones and Eli Mercer were elected for the Municipality of Austin.

On motion of Mr. Barrett, the appointment of Commissioners for the Municipality of Matagorda was postponed until to-morrow.

The Executive's Secretary presented the following ordinances, approved and signed by the Governor:

"An ordinance and decree to establish and organize a corps of Rangers.

“An ordinance and decree to raise a regular army.

“An ordinance for appointing a Treasurer to the Provisional Government of Texas; a Secretary to the Executive; and two Chief Clerks, defining their several duties, &c.

“An ordinance prescribing the manner and form of settling the accounts of the volunteer army of Texas.”

On motion of Mr. Wharton, the Council went into secret session, and, after some time spent therein, the doors were opened, when, on motion, the Council adjourned till 9 o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 27th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceedings having been read,

Mr. Harris, by leave of the Council, introduced an ordinance and decree for advancing the sum of fifteen hundred dollars, for the benefit of the volunteer army of the people, under command of Gen. S. F. Austin, which was read a first time.

On motion of Mr. Harris, the rule of the House was suspended, and the ordinance read a second time.

Mr. Wharton moved that the second section be stricken out, which was negatived.

On motion of Mr. Barrett, the rule of the House was further suspended, and the ordinance read the third time, when the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

On motion of Mr. Parker, the title of the ordinance was amended by adding at the end the words “and for other purpose.”

Mr. Hanks, from the Committee on Military Affairs, reported an ordinance appointing a Commissary to take charge of volunteers for the army, and defining his duties, which was read the first time, and, the rule of the House being suspended, was read a second time, when, on motion of Mr. Hanks, the rule of the House was further suspended, and the ordinance read a third time, when the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

Mr. Hanks, from the Committee on Military Affairs, introduced an ordinance prescribing the manner in which volunteers shall report themselves, &c., &c., which was read the first time, and ordered to lie on the table.

On motion of Mr. Pamer, the Council went into secret session, and, after sometime spent therein the doors were opened, and the President laid before the House a report from Mr. Minard, one of the Commissioners who had been appointed to proceed to the east, and hold a consultation with the northern Indians, and to receive of the public officers of the department of Nacogdoches, the monies in their hands, belonging to the State of Coahuila and Texas, which was read and ordered to lie on the table until to-morrow.

On the nomination of Mr. Barrett, Mr. Joshua Fletcher was elected Treasurer "pro. tem." of the Provisional Government of Texas.

On motion of Mr. Clements, Mr. Barrett was requested to call on Mr. Fletcher, and inform him of his election.

Mr. Millard from the Committee on Finance, presented a report, recommending the allowance of Mrs. A. B. Peyton's account, which was read and ordered to lie on the table.

On motion of Mr. Barrett, it was

Resolved, that the President draw an order on Dr. C. B. Stewart, in favor of Alexander Blair, for forty dollars, for the purpose of purchasing stationary, &c., &c.

Mr. Millard, by leave of the Council, introduced an ordinance to appoint an Enrolling Clerk, which was read a first time, and ordered to lie on the table.

On motion of Mr. Barrett, it was

Resolved, that the room adjoining the Council-Hall be appropriated for the use of the Secretary of the Council.

On motion, the Council, adjourned till 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President laid before the Council a communication from the chairman of the Committee of Safety, of Matagorda, informing the Council that said Committee had drawn on the Government for five hundred dollars, which was read, and, on motion of Mr. Parker, the communication, together with so much of the report of Mr. Minard, submitted this morning, as relates to public monies, and the communications heretofore submitted to the Council from the Committee of Safety of Nacogdoches, on the subject of advances, were referred to the Committee on Finance.

Mr. Harris reported, as duly enrolled, an ordinance and decree for advancing the sum of fifteen hundred dollars, for the benefit of the volunteer army of the People, under command of Gen. S. F. Austin, and other purposes.

The Executive's Secretary presented the following message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN—I have had under consideration the following ordinances passed by your body, viz:

"An ordinance for granting letters of marque and reprisal.

"A decree for establishing a Navy.

"An ordinance regulating the Militia."

The ordinance appointing Thomas F. M'Kinney for the purposes therein named, which has been passed by a constitutional majority, has now received my signature, as well, also, as the one appropriating money for the use of the army, &c., all of which I herewith transmit.

I transmit also for the information of your body a communication, re-

ceived by express, from head-quarters, which you will use as circumstances may direct.

With sentiments &c., &c.,

Your obedient servant,

HENRY SMITH,  
Governor.

November, 27th 1835.

The foregoing having been read,

On motion of Mr. Barrett, the Council went into secret session, and after some time spent therein, the doors were opened.

Mr. Millard, from the Committee on Finance, presented the following report,—

Your Committee, to whom was referred that part of the Governor's message recommending the establishment of a Tariff, and the appointment of Revenue Officers, &c., beg leave to report,—

In surveying the vast resources possessed by Texas, whether considered in a national point of view, or merely with reference to raising a revenue and establishing a system of permanent income, available at all times, and considered as the positive wealth of the State. The subject presents a more extensive field for the consideration of the politician and economist than at first anticipated.

In a government such as Texas presents to the world, when the vessel of state has only just been launched into her proper element, possessing all the strength and symmetry, all the fine proportions and superior workmanship of a well constructed ship, it would be a source of great regret if the operations and objects for which it was created should be crippled or entirely lost, when the facilities afforded by such extensive resources were controllable and so completely within our reach.

That money is the sinew of war, is an adage to the truth of which the most ignorant and unpretending in political economy must subscribe, and which in our peculiar circumstances is most apposite and applicable, and the operations of any belligerent power are active and efficient, crippled or successful in proportion to the quantum of available means to carry on its measures offensive and defensive. In this state we find ourselves, with every basis of permanent income, and every source of revenue of a civilized people possessing an area of 250,000 square miles of territory—an agricultural community of upwards of 50,000 souls, already reaping the fruits of their hardy labours and enterprize, and an extended sea coast with fine bays and harbours inviting the commerce of the world.

Where are these resources? What do they consist of? and to what amount are they available? An answer to these questions will constitute the report of your committee.

What are the resources of Texas? and what do they consist of?

If a geographical test only were applied the answer would soon be given. Point to the map and compare the area of Texas, with that of any state of the United States of America, and we shall find that she comprises, within her limits, as much territory as four of the largest states of the Union put together, to wit: New York, Pennsylvania, Virginia and Ohio, or if we consider her with reference to the sustension of a dense population, and her consequent ability to support the expenses of a Government, we must assign her a station immeasurably above some

of the independent kingdoms of Europe, the amount of whose agricultural productions, and whose commercial and other advantages, place them far below the standard of our prospective rank among the nations of the earth. But we must now confine ourselves to the consideration of Texas, with reference to her capability of raising a revenue and laying the basis, and establishing a permanent system of taxes and imposts for the present and future operations of the government. The source from which this state must derive one of her certain permanent incomes is the sale of her public domain, and her indubitable right to tax every acre of land within her limits to defray the expenses of her government.

The whole of Texas comprised between the Sabine and Rio Grande, is computed to contain 250,000 square miles, and only a very small portion of this domain has been granted to individuals or settlers, say 10,000,000 of acres, this amount is acknowledged to be a proper subject of revenue, inasmuch as the tax can be fixed upon each acre, admitting that each acre of land were taxed one cent, a direct tax would amount to 100,000 dollars.

The sale of the public domain, the manner and form of which, it is to be hoped will hereafter be regulated and prescribed by a policy more in accordance with its enhanced value, superinduced by our recent change in Government, will prove if properly nurtured a fruitful source of revenue.

The amount of receipts into the Treasury of the United States of America, from this source, has since their existence as a nation been upwards of a million of dollars per annum, and by a comparison of the extent of the public domain of Texas, with that of the United States, we can fairly compute our amount of revenue at one-fourth of that sum, say 250,000 dollars per annum, from the sale of our public lands; but these data are necessarily computable and present only a plan of revenue, not immediately available for the expenses of the current year, inasmuch as the establishment of a direct tax, the tardy operation of its collection, the preliminary surveys, and sale of the public lands, all require time for their rendition into available means to defray the pressing exigencies of the State. A direct tax on slaves, comes next in order as a subject of certain revenue, and your committee recommend a tax of one dollar on all slaves in Texas over fourteen and under fifty years of age.

Your committee have, therefore, sought for some plan of internal revenue, simple in its character, less expensive in its nature, and unattended by preliminary statutes and regulations, tardy in their formation, and still more dilatory in their execution and returns.

The first subject presenting itself as a speedy and available source of revenue, is the duty on foreign tonnage. It must be confessed that this branch of the revenue must be small but progressive, and governed by the amount of commerce and the consequent number of vessels engaged in our trade. Your committee have not been able from the state of things heretofore existing, to obtain an accurate return of the number of vessels actually engaged in the commerce of Texas, but we may assure ourselves that the number will certainly be increased tenfold, when the position we have assumed as a State, "Sovereign and Independent" shall become more generally known, and the tide of emigration to this favored land, shall have wafted to our shores, a double, tripple, nay a quadruple population.

From the best information obtained from various sources, there were shipped last year from the different ports of Texas about thirty thousand bales of cotton. The crops in this fine material, was not so great, nor the quantity of land appropriated to the culture of this staple, so considerable as that of the present year by one hundred per cent. and we may therefore estimate our export of cotton at 60,000 bales.

The vessels required for this service agreeably to the best data obtained on this subject, require a tonnage of one to each bale, not for the purpose alone of transporting this number of bales, but for return cargoes purchased in the United States and Foreign countries, from the proceeds of this staple for our Texas market. Assuming this data as correct, and assuming the rate of tonnage duties at what it was when Texas was a member of the Confederate States of Mexico, now no more, namely, \$2,12 1-2 cents per ton, the amount derived from this branch of the revenue, could be fairly estimated at 125,000 dollars.

This may be condensed among the available resources, from which we are to derive the means of defraying the pressing exigencies of our newly created Government.

Another sure and certain source of available revenue presents itself to the consideration of your committee, viz: An export duty on cotton which it would not be deemed too high to place at one quarter of a cent per pound. The ease and facility with which this duty can be collected, and the near approach of the season for the exportation of the article, must necessarily render this subject of impost, in the opinion of your committee the first on the list of available means.

Your committee therefore recommend a duty of one quarter of a cent per pound for every pound of cotton exported out of Texas. Assuming the amount of bales exported as correct in the preceding item on tonnage, the revenue would be increased by this item of impost about 60,000 dollars.

Imposts or custom duties, upon importations of merchandize in a country where commerce constitutes an extensive branch of industry is the most fruitful, as well as the most available source of revenue of the Treasury, and should be nurtured as well as regulated with the greatest care, so as to equalize the tax upon the various commodities imported, in reference to the several class of consumers, the merchant, the manufacturer and the Government itself.

A well regulated tariff is commonly resorted to by the most politic, among the commercial nations of the civilized world, but in our infant state with a blank Treasury, your committee recommend a less complicated system, than a designation of specific duties; a general "ad valorem" duty in the way of a certain rate per cent. upon the value of the cargo as shown by the manifest, and regulated so as to guard against all frauds and infractions of the revenue.

This plan may be divided into two classes of articles of commerce and importation. First. Such as are commonly called debenture. Second. All other merchandize not included in the first class. The first should be fixed and pay duty or per cent. double the latter, say the first class to be charged 30 per cent., the second class 15 per cent.

Your committee are decidedly of opinion that this system would better suit our present situation and circumstances, and its adoption would

necessarily be attended with a smaller number of revenue officers to carry it into effect.

The establishment by law of ports of entry, and delivery, and the appointment of a Collector, and Deputy Collectors. Surveyors and Inspectors, recommended and nominated by himself, subject to his order and directions, and accountable to him for the faithful performance of the duties of their offices, and the Collectors to be subject to the orders of the Governor and Council, and the laws and regulations to be hereafter enacted for the Government of this branch of the revenue. The deputies, &c., to be located at such points within the District, whether on the sea-coast or upon the land-frontier, according to its probable exposure to infractions of the revenue law.

It will become necessary, in order further to carry into effect the revenue laws hereafter to be enacted, to divide the whole coast into revenue districts. Your committee have decided upon the following division of the coast, which is naturally suggested by its geographical as well as topographical features.

First. All that part of the coast lying between the Sabine and Caney creek, comprehending the ports of Sabine, Galveston, and Velasco, and all others that may be hereafter established within the said limits, to be called the Eastern district.

Second. All that part of the coast lying between Caney creek and the Western boundary of Texas, comprehending the ports of Matagorda, Lavaca, Copano, and all others which may hereafter be established within the said limits to be called the Western district.

But your committee cannot conceal the fact, that although the picture here presented, of the fiscal resources of our infant Government, is flattering and exhilarating in the highest degree, to the patriot and statesman, and that the revenue both permanent and available, is destined to become with proper nursery and management, the physical arm of the Government, which is to preserve our existence, as a free and enlightened people, among the nations of the earth. Yet the urgent, pressing, and unavoidable exigencies and immediate necessities of our State, thus thrown suddenly into existence and compelled to rely on her own resources, great as they are, but not immediately controllable: in fine, a people passing from a state of nature to the highest grade of civil society, and appearing fresh from the parturition, like Minerva from the head of Jupiter, panoplied and armed with all the intelligence and strength, all the vigor and combined action of a nation, long since arrived at maturity, require a fund to which it can immediately recur, to answer the urgent calls and pressing demands upon its Treasury.

Your committee have not been able to fix upon a project possessing in a greater degree all the essential requisites of speedy operation, and combining celerity and certainty in its accomplishment, than that suggested by a loan. It is a well ascertained fact that the money market in the United States, is glutted at this time with that commodity, and that should the infant Government of Texas present herself on "change" she will stand with all her resources and capacities to pay, among the highest on the list of favoured borrowers.

In presenting to the consideration and sanction of the Council of the Provisional Government, a measure, not on all occasions deemed politic or advisable in which the credit of the State, will be brought thus early

into competition with other nations, whose institutions and government have long been established and organized. Your committee have been guided and impelled only by a deep conviction of the urgent necessity of the case, and confidently believe, that both principal and interest of the debt, will not only be secure and certain, but at no very distant period entirely refunded from the revenue arising from the various sources above indicated.

Your committee under these circumstances have drafted a special ordinance and decree, of which they recommend the immediate adoption by the Governor and Council, and suggest that its provisions be carried into effect forthwith.

The ordinance and decrees necessary to carry into effect the suggestions contained in this report on the subject of a direct tax, impost duties, tonnage, &c., will be prepared and arranged as soon as practicable, to meet properly the subjects referred to.

HENRY MILLARD, Chairman.  
CHAS WILSON, }  
J. D. CLEMENTS. } Committee.

The foregoing having been read, was ordered to lie on the table.

The ordinance accompanying the above, entitled an ordinance and decree to raise a loan to defray the expenses of the Provisional Government of Texas, was read a first time and ordered to lie on the table.

The House went into consideration of the orders of the day.

An ordinance and decree to purchase munitions of war, provisions, arms, &c., for the army of Texas, and the defence of the sea coast, was read a third time, and, after some amendments' the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

The appointment of Judges, &c., for Matagorda, was postponed until to-morrow.

On motion the Council adjourned till 9 o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
November 28, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceedings having been read,

Mr. Hanks, from the Committee on Military Affairs, reported as duly enrolled, an ordinance appointing a commissary to take charge of volunteers for the army, and defining his duties.

The oath prescribed by the organic law, was administered by the President to Joshua Fletcher, Treasurer pro tem.

Mr. Millard from the Committee on Enrollments, presented as duly enrolled, an ordinance and decree to purchase munitions of war, provisions, arms, &c., for the army of Texas, and defence of the sea coast.

Mr. Barnett, member from Austin, appeared, took the oath prescribed by the organic law, and took his seat.

On motion of Mr. Parker, the Council went into secret session, and after some time spent therein the doors were opened.

Mr. Parker from the Select Committee, on the state of the army, appointed in secret session, reported an ordinance for the purchasing provisions for the volunteer army of the people of Texas, which was read a first time, and, on motion of Mr. Parker, the rule of the House was dispensed with, and the ordinance read a second time.

On motion of Mr. Power, the blank in the second section was filled with the name of John Dunn.

On motion of Mr. Parmer, the ordinance was amended by adding the words "to be conveyed by water to the Copano landing, and from thence," between the words "same" and "to be" in section second.

The rule of the House was further suspended and the ordinance read a third time, when the question was taken on its final passage and decided in the affirmative. So the ordinance was passed.

The Executive's Secretary presented the following message from his Excellency the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council of Texas:*

GENTLEMEN—Much time has elapsed since the adjournment of the Convention.

A resolution was entered into by that body, that their acts should be published and circulated, and a committee was appointed by that body, to attend particularly to that matter. The publication has not yet appeared, nor do I know in what state of progress it may be. It is a matter of the highest importance, and about which much interest is felt, and its delay or suppression from the public eye, has already and will continue to create, not only great inconvenience, but absolute distrust and misrepresentation. I confidently hope that your body will forthwith institute an inquiry into the matter, and never cease your exertions until that matter is brought before the public in its proper shape. It is entirely useless to send forth commissions, until the organic and other necessary laws are transmitted with them.

With sentiments, &c., &c.

I am, gentlemen,

Your obedient servant,

HENRY SMITH,  
Governor.

San Philipe, November 28th, 1835.

The foregoing having been read was ordered to lie on the table.

Mr. Clements presented the account of L. Smithers, which was referred to the Committee on Finance.

Mr. Hanks, by leave, introduced an ordinance and decree, supplemental to an ordinance and decree, appointing a commissary to take charge of volunteers of the army, and defining his duties, passed November 27th, 1835, which was read a first time, and on motion of Mr. Hanks, the rule of the House was suspended, and the ordinance read a second and third time, when the question was taken on its final passage and decided in the affirmative: and so the ordinance passed.

On motion the Council adjourned till seven o'clock p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Parmer, the Council proceeded to elect Judges for the Municipality of Matagorda. S. Rhodes Fisher and Charles Wilson were put in nomination for First Judge, and Thomas M. Duke, Robert H. Boice and Hamilton L. Cook were put in nomination for Second Judge.

Mr. Parmer moved that the election be made *viva voce*, which was negatived, when the Council proceeded to ballot.

On counting the ballot, there were for

Charles Wilson, for First Judge,	6	votes.
Thomas M. Duke, " "	5	"
S. Rhodes Fisher, " "	2	"
For Charles Wilson, for Second Judge	6	"
" Robert H. Boice, " " "	5	"
" Thomas M. Duke, " " "	1	"
" Hamilton L. Cook, " " "	1	"

Whereupon, Charles Wilson was declared duly elected First and Second Judge for the Municipality of Matagorda.

Mr. Wilson declined the office of Second Judge, when, on motion of Mr. Wharton, the rule for voting by ballot was suspended, and the House proceeded to elect a Second Judge, *viva voce*.

On the nomination of Mr. Wharton, Thomas M. Duke was elected Second Judge for the Jurisdiction of Matagorda.

On the nomination of Mr. Hanks, Jefferson George, Bailey Hardiman and Hamilton L. Cook were unanimously elected Commissioners for the organization of the Militia for the Municipality of Matagorda.

Mr. Parker reported, as duly enrolled, an ordinance to purchase provisions for the volunteer army of the People of Texas.

The President submitted to the Council the following communications, viz:

A letter from Joel T. Case, together with the proceedings of the citizens of Mobile, in public meeting, expressive of their sympathy for the People of Texas in their present struggle, and appointing a committee to receive and forward contributions for our aid, &c.

A letter from J. L. Almonte, the Mexican Minister to the United States of the North, to Capt. James Gaines, on the subject of a change of government, sale of Texas, &c., &c.

A letter from the chairman of the Committee of Safety of Nacogdoches, together with certain resolutions, passed by that body on the 15th inst., on the subject of our separation from the Mexican Government, &c., &c., all of which were read and ordered to lie on the table.

By leave of the Council, General Houston read several letters from the United States of the North, tendering assistance, and expressing sympathy for the People of Texas in their struggle for liberty.

Mr. Wharton moved that the Council now proceed to the election of company officers of the regiment of Infantry of the army of Texas.

Mr. Hanks demanded the Yeas and Noes on the motion, which being seconded, they were taken, and stood as follows:

AYES—Messrs. Wharton, Barrett, Clements, Parker, Millard, Parmer, West, Powers and Westover—9.

NOES—Messrs. Hanks and Harris—2: so the motion was carried.

Mr. Clements moved that the election be made with closed doors, which was negatived.

Mr. Wharton moved that the election be made *viva voce*, which was agreed to.

Mr. Hanks moved an adjournment, which was negatived.

On the nomination of Mr. Parker, James Carter was appointed a Captain, Henry Teal First Lieutenant, and Madison Whitaker, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Barnett, John Byrd was appointed a Captain, John York, First Lieutenant, and M<sup>o</sup>Henry Winborne, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Clements, Ezekiel Williams was appointed a Captain, William H. Smith, First Lieutenant, and Benjamin F. Sanders, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Millard, Mr. Briscoe was appointed a Captain, Franklin Hardin, First Lieutenant, and Milton Hardin, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Wharton, James Collinsworth was appointed a Captain, Leander H. M<sup>o</sup>Neil, First Lieutenant, and Pleasant Bull, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Parmer, Robert Boyd Irvine was appointed a Captain, George English, First Lieutenant, and Leonard H. Mabbitt, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Barrett, Robert M. Coleman was appointed a Captain, Amasa Turner, First Lieutenant, Benjamin C. Wallace, Second Lieutenant in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Wharton, George M. Collinsworth was appointed a Captain, John Bowman First Lieutenant, and William E. Hooth, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

On the nomination of Mr. Grimes, John W. Martin was appointed a Captain, J. W. Shepard, First Lieutenant, Jefferson Allcorn Second Lieutenant, in the Regiment of Infantry of the Army of Texas.

On the nomination of Mr. Harris, George F. Richardson was appointed a Captain, Robert Wilson, First Lieutenant, and D. L. Cokenot, Second Lieutenant, in the Regiment of Infantry of the army of Texas.

Mr. Hanks reported, as duly enrolled, an ordinance and decree supplemental to an ordinance and decree appointing a Commissary to take charge of the volunteers of the army of Texas, and defining his duties, passed November 27th, 1835.

On motion of Mr. Wharton, the Council proceeded to the election of officers of the corps of Rangers.

On the motion of Mr. Parker, the election was ordered to be made *viva voce*.

On the nomination of Mr. Parker, Isaac W. Burton was appointed a Captain, Horatio McHanks, First Lieutenant, and Thomas Robbins, Second Lieutenant, in the corps of Rangers.

On the nomination of Mr. Clements, William H. Arrington was appointed a Captain Jesse M<sup>o</sup>Coy, First Lieutenant, and Littleton Tumblinson, Second Lieutenant, in the corps of Rangers.

On the nomination of Mr. Barrett, John J. Tumblinson was appointed a Captain in the corps of Rangers.

Mr. Barrett nominated Joseph Rodgers for First Lieutenant.

Mr. Wharton nominated Lancelot Smithers for First Lieutenant, when the vote was taken, and Lancelot Smithers was appointed First Lieutenant of Rangers.

On the nomination of Mr. Wharton, Joseph Rodgers was appointed Second Lieutenant of Rangers.

Mr. Hanks submitted a letter recommending R. M. Williamson for Major of the corps of Rangers, signed by a large number of citizens.

Mr. Power nominated James Kerr.

Mr. Parker stated that J. G. W. Pierson was a candidate.

When the ballots were counted, there were for

R. M. Williamson,	-	-	-	6	votes.
James Kerr,	-	-	-	5	"

Whereupon, R. M. Williamson was declared duly elected Major of the corps of Rangers.

The President submitted the certificates of the election of Thomas J. Western, Peter Grayson, Benjamin Smith, Diego Grant and Ira Westover to the Convention, which, on motion of Mr. Barrett, were ordered to be filed among the papers of the Convention.

On motion, the Council adjourned till 9 o'clock, to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 November 29th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The Executive's Secretary presented the following message from his Excellency, the Governor.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
 Members of the Legislative Council.*

GENTLEMEN—Our fellow-citizen, Major Samuel Whiting, wishes to leave forthwith for New Orleans, he has been rendering services to the country, and has a desire to continue his usefulness, by being instrumental in fitting out privateers, in conformity with a decree, passed by your body, on that subject. He has applied to me for blank commissions, to be filled out as opportunity or circumstances shall direct. I would therefore suggest to your body the propriety of passing an ordinance authorizing the Executive to vest him with authorities to fill out the blanks under the special instructions from the Executive, in conformity with said ordinance. As this matter should be expedited, immediate action will be necessary. I herewith transmit for your information, transcripts from certain letters from the United States, which has been handed to me. Some of the Mobile Volunteers have arrived in this town and called on me to know what disposition will be made of them. It will probably be a courtesy due to these men to enquire the reasons of their separation

from the balance of their company, and make such disposition of them as their merit may require.

With sentiments, &c., &c.,

Your obedient servant,

HENRY SMITH, Governor.

November 29th, 1835.

The communications accompanying the above were read and laid on the table.

On motion of Mr. Barrett, it was

Resolved, that a committee of three be appointed to draft and report an ordinance, embracing the views of the Executive in the message just submitted, on the subject of blank commissions, with letters of marque and reprisal.

Messrs. Harris, Powers and Millard were appointed said committee.

On motion of Mr. Barrett, Mr. Clements was transferred from the Standing Committee on Military Affairs, and Mr. Barnett appointed to the Standing Committee on Finance.

On motion of Mr. Barrett, it was

Resolved, that a committee of three be appointed to wait on the company of Volunteers from Mobile, who have just passed through town, and apologize to them for their cold reception, and make suitable arrangements for their reception and comfort.

Messrs. Barrett, Harris and Clements were appointed said committee.

Mr. Harris, from the Select Committee to draft and report an ordinance embracing the views of the Executive on the subject of blank commissions, with letters of marque and reprisal, reported an ordinance and decree supplemental to an ordinance and decree for granting letters of marque and reprisal, passed 25th November, 1835, which, having been read, on motion of Mr. Parker, was laid on the table.

On the nomination of Mr. Hanks, John B. Johnson was appointed Commissary under the ordinance and decree appointing a Commissary to take charge of volunteers of the army, and defining his duties.

Mr. Hanks was appointed to wait on Mr. Johnson and inform him of his appointment, and request him to furnish the volunteers now in town.

On motion, the Council adjourned till 6 o'clock, p. m.

SIX O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Barrett from the committee to wait on the Volunteers from Mobile, made a verbal report, that they had waited on the Volunteers and presented the resolution of this Council, and that the Chairman and other members of the Committee had addressed the company, in conformity with the resolution, and made provisions for their reception and comfort, which report, on motion of Mr. Hanks, was accepted.

Mr. Hanks reported that he had waited on Mr. Johnson and informed him of his appointment, and instructed him to furnish eighty rations this evening, which report was accepted.

The President laid before the Council a letter from E. Hall, dated Velasco, November 23d, 1835. Also, a letter from Thomas J. Rusk, on the situation of the army, which were read and laid on the table.

On motion of Mr. Harris, the House took up the ordinance and decree supplemental to the ordinance and decree for granting letters of marque and reprisal, passed 25th November, 1835, and after some consideration, on motion of Mr. Barrett, it was referred to the committee who reported it, with instructions to amend the same, by making Thomas F. M'Kinney and Silas Dinsmore the agents for filling up three blank commissions for the same purpose: the committee had leave to retire.

The President submitted a communication from Samuel Whiting, tendering his services to go to New Orleans, or elsewhere, which was read and laid on the table.

Mr. Harris, from the Select Committee, reported, as amended, the ordinance and decree supplemental to an ordinance and decree for granting letters of marque and reprisal, passed 25th November, 1835, which was read a second time.

On motion of Mr. Hanks, the following amendment was added as a third section to the ordinance.

"Be it ordained and decreed that ten per cent., and no more, on all vessels and prizes condemned in the ports of Texas, as prizes to letters of marque and reprisal, shall be paid by the captors to the Provisional Government of Texas, any thing to the contrary, notwithstanding, in the ordinance and decree granting letters of marque and reprisal, passed November 25th, 1835.

Mr. Barrett moved to amend the ordinance by striking out the words, "to William Christy and James Ramage, acting members of the Committee on the Affairs of Texas, at New Orleans," in section first, and insert "to Samuel Whiting, of Trinity River, Texas."

On motion of Mr. Parmer, the Council went into secret session, and after some time spent therein, the doors were opened, when the amendment of Mr. Barrett was adopted.

On motion of Mr. West, the rule of the House was suspended, and the ordinance read the third time, when the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

On motion of Mr. Parmer, it was

"Resolved, that the docer-keeper be sworn, and that in addition to the usual oath, he be sworn to keep secret all matters before the Council that may come to his knowledge while in secret session," whereupon, the oath was administered by the President.

Several communications lying on the table, were taken up and referred, as follows:

On motion of Mr. Barrett, the letter from sundry citizens of Brazoria, was referred to the Committee on Finance.

The letter of Thomas Hooper was referred to the Committee on Military Affairs.

The letter of Thomas Toby & Co., was referred to the Committee on Naval Affairs.

The letter of Thomas J. Rusk was referred to the Committee on Military Affairs.

On motion of Mr. Parker, the letter of Mr. E. Hall was referred to the Committee on Military Affairs.

The President submitted a letter from Thomas F. M'Kinny, requesting certain information, &c., which was read, and, on motion of Mr. Bar-

rett, referred to a Select Committee of three: Messrs. Barrett, Parmer and Parker were appointed said committee.

On motion of Mr. Barrett, so much of the Governor's message, submitted this day, as relates to volunteers was referred to the Committee on Military Affairs, with instructions to report an ordinance prescribing the manner in which volunteers shall be received.

On motion of Mr. Barrett, the Council went into secret session, and, after some time spent therein, the doors were opened.

Mr. Harris, by leave, introduced an ordinance and decree supplemental to an ordinance and decree for supplying the present volunteer army with provisions, &c., which was read a first time and ordered to a second reading to-morrow.

Mr. Parmer presented a petition from certain volunteers on their way home from the army, asking for aid, which was referred to the Committee on Finance.

On motion of Mr. Barrett, it was

Resolved, that a Select Committee of two be appointed to report upon the unfinished business of the Convention; and also on the unfinished business connected with resolutions, letters and reports of this Council, up to this date: Messrs. Harris and Barnett were appointed said Committee.

Mr. Barrett presented an account from Messrs. Baker & Bordens, for public printing, which was referred to the Committee on Finance.

On motion the Council adjourned till nine o'clock, to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 November 30th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of the proceedings of the 28th and 29th having been read,

On motion of Mr. Harris, it was

“Resolved, that all reports from Committees, and messages from the Governor, shall be incorporated into the journals when they are transcribed into a book.

General Austin was announced, and invited to take a seat within the bar of the Council.

He stated that he had returned from the army, in obedience to the invitation of the Convention to enter upon the duties of his appointment as Commissioner to the United States of the North, and that he was ever ready to act in any capacity where he could be useful to the country.

He stated that he would submit a written report on the situation of the army, in the course of the day.

Mr. Millard, from the Committee on Enrollments, reported as duly enrolled an ordinance and decree supplemental to an ordinance and decree granting letters of marque and reprisal, passed 25th November, 1835.

On motion of Mr. Parker, the reports of Wm. Pettus and George M. Patrick who had been appointed Commissioners to proceed to the army,

&c., was received, accompanied by an appointment from General Burleson to Wm. Pettus, as commissary, and a memorandum from General Burleson of certain articles wanted for the volunteer army; also, an appointment from William Pettus to Mr. Caldwell, as sub-commissary, &c., all of which were read.

General Austin made some statements in explanation of the report, and returned to the Council the instructions relative of money advanced for the volunteer army.

On motion of Mr. Parker, it was

“Resolved, that Mr. Thomas Gay be requested to delay his starting to the army until this House have time to act on the communications of Wm. Pettus and George M. Patrick, just received from the army, now in the field, and that the said communications be referred to a Select Committee, composed of Messrs. Millard, Harris and Clements to report as soon as practicable.”

By leave, General Houston presented to the Council one hundred dollars, a donation from John Hutchins, of Natchez, Mississippi, to the Provisional Government, for the use of Texas, in her present struggle for Liberty.

Mr. Harris, by leave, laid before the Council a report from Capt. Burke, of the Mobile Volunteers, to General Houston, which was read, and, on motion of Mr. Hanks, approved.

On motion of Mr. Barrett, it was

“Resolved, that General Austin be invited, at all times, to take a seat within the bar of the House.”

General Austin tenderd his thanks to the Council for the kindness and attention shewn him.

Mr. Millard presented the following resolution, which was adopted unanimously:

“Resolved, that the thanks of the General Council of the Provisional Government of Texas, be, and they are hereby presented to John Hutchins, of Natchez, Mississippi, for the interest and zeal he has evinced in the cause of Texas, and particularly for his liberal donation to this Government, of one hundred dollars, to defray the expenses of this Government, and to assist their efforts for the security and establishment of their constitutional liberty, against the tyranny and oppression of the government of the usurper, Santa Anna.”

Mr. Millard moved that a copy of the foregoing resolution, signed by the President and Secretary, be forwarded to Mr. Hutchins, which was agreed to.

On motion of Mr. Barrett, James Kerr was admitted as a member, of the Council from the Municipality of Matagorda.

Mr. Kerr was sworn and took his seat.

On motion of Mr. Power, it was

“Resolved, that Col. Gonzales be permitted to come before the Council and state his views with respect to joining the army at Bexar.”

Mr. Millard from the Committee on Finance presented the following report:

“Your Committee on Finance to whom was referred the accounts and papers of Mr. L. Smithers, have had the same under consideration, and ask leave to report,—

That they have had the account before them, rendered by Mr. Smithers, for losses sustained by that unfortunate individual at the commencement of the present war against Centralism and oppression, by which he has so severely suffered by the loss of all his property, a circumstance that has elicited the sympathy of every patriotic citizen, and particularly the members of your committee. Your committee conceive it but justice, the first item of said account, charged at \$200 for actual losses sustained by our troops under the command of Col. Moore, and for his services at the ferry at Gonzales, a sufficient amount to compensate him for his time and labors; the second, third and fourth items your committee would ask further time for consideration.

HENRY MILLARD, Chairman.

The foregoing having been read, on motion of Mr. Barrett, was adopted.

Mr. Power introduced Col. Gonzales, who came within the bar.

On motion of Mr. Barrett, Mr. Western was requested to act as interpreter, through whom Col. Gonzales communicated his views, &c., after which, on motion of Mr. Hanks, it was

“Resolved, that a committee of three, consisting of Messrs. Barrett, Power, and Clements, be appointed to wait on Col. Gonzales, and to inform him of the general plan of this Government, with its minutias, and ascertain from him the course he wishes to pursue.

Mr. Western, by request, communicated to Col. Gonzales the purport of the resolution, who replied that he should be pleased to attend the committee.

Mr. Barrett, from the Select Committee to whom was referred the letter of Thomas F. M’Kinney, asking information, &c., presented the following report:

*To the Honorable, the General Council of the  
Provisional Government of Texas:*

Your Special Committee, to whom was referred the letter of Thomas F. M’Kinney to Judge Dinsmore, report,—

That in common with their fellow-citizens of Texas, your committee have long known the efficient aid given by Mr. M’Kinney in the cause of our suffering country.

All his acts, connected with objects of a public nature, have evinced an ardent patriotism and an unbending determination, promptly and generously to exert his means and his influence in the glorious struggle for Liberty and our constitutional right.

The ready interposition of Mr. M’Kinney to save and keep up the credit of the country under various and trying circumstances, his prompt assumption of heavy responsibilities, on apparent emergencies, presented to his own mind, or on request of such temporary authorities as have exercised Governmental power, before the present organization by the people’s representatives, are acts not to be forgotten by an honest people, nor will the authorities of this country neglect any thing within their means to give the necessary pledges for security, and by proper acts and ordinances guarantee all responsibilities assumed in good faith, designed for the common interests of our citizens. Such encouragement, in times so unsettled,

and fraught with dangers, requiring the ready energies of every member of the community, should, in the opinion of your committee, be proclaimed to the world.

A general confidence in the integrity of a Government by its determination to regulate its every movement by an equal and exact justice, is always important to the tranquillity of any community, especially in an unsettled and revolutionary state, where so much, if not all, safety depends on the moral sense of the citizens, with these views, your committee respectfully advise the passing of an ordinance approving the acts and advances of Thomas F. M'Kinney, for Texas, and appointing the said M'Kinney an Agent, &c., &c.

D. C. BARRETT, Chairman.  
 DANIEL PARKER, }  
 MARTIN PARMER, } Committee.

Council-Hall, 29th November, 1835.

The foregoing report having been read was unanimously adopted, and, on motion of Mr. Barrett, it was

“Resolved, that a copy of the foregoing report be forwarded to Mr. M'Kinney.”

On motion the Council adjourned till 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

The Executive's Secretary presented the following message from his Excellency the Governor:

EXECUTIVE DEPARTMENT OF TEXAS,

*To the Honorable, the President, and  
 Members of the Legislative Council:*

GENTLEMEN—I transmit to your body the following bills, which have received my approval and signature, viz:

One appointing a Commissary to take charge of volunteers, &c.

An ordinance to purchase munitions of war, provisions, arms, &c.

One for the purchase of provisions, &c., for the use of the army. As well as a supplemental decree for the purpose therein named.

I also transmit to your body a letter from Major B. F. Smith, which you may use as you may deem it properly merits.

I also take the opportunity to inform your body that Mr. Gail Borden, jr., recently commissioned as Second Judge for the Jurisdiction of Austin, has this day tendered his resignation, for reasons plausible and substantial, you will therefore proceed to fill the vacancy, as the first Judge is absent.

With sentiments, &c. &c.

Your obedient servant,

HENRY SMITH,  
 Governor.

San Felipe, November 28th, 1835.

Mr. Kerr presented the certificate of the election of John M'Mullen, John W. Bower and Lewis Ayres, as members of the Convention, from

the Municipality of San Patricio, which was ordered to be filed among the papers of the Convention.

The President laid before the Council a communication from George J. W. Thayer, tendering his services in the Navy of Texas.

On motion of Mr. Barrett, the services of Mr. Thayer were accepted.

Mr. Westover tendered the services of Wm. H. Leving in the Navy of Texas, which was accepted.

The President tendered the services of Robert Potter in the Navy of Texas, which, on motion of Mr. Barrett, was accepted.

Mr. Harris tendered the services of Norman Heard in the Navy of Texas, which was also accepted.

Mr. Kerr, by leave, introduced an ordinance creating a Municipality off of, and from the west side of the present Municipality of Matagorda, which was read a first time and ordered to a second reading to-morrow.

Mr. West, by leave, introduced an ordinance and decree authorizing and requiring the Governor to appoint a commissioner in the several municipalities, to administer oaths, &c., which was read a first time.

On motion of Mr. Westover, the rule of the House was suspended and the ordinance read a second and third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

Mr. Barrett, by leave, introduced an ordinance and decree authorizing the Governor to grant registers to vessels, &c., which was read a first time.

On motion of Mr. Parker, the rule of the House was suspended, and the ordinance read a second and third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

The President laid before the House a communication from S. Dinsmore, on the subject of letters of marque and reprisal, which was read and ordered to lie on the table.

Mr. Barrett presented the account of the door-keeper, which was referred to the Committee on Finance.

On motion of Mr. Hanks, the House took up the ordinance and decree supplemental to an ordinance and decree for supplying the present volunteer army with provisions, &c., which was read a second time, and on motion of Mr. Harris, was ordered to lie on the table.

On motion of Mr. Hanks, the House took up an ordinance prescribing the manner in which volunteers shall report themselves, &c., which was read a second time, and on motion of Mr. Barrett, was indefinitely postponed.

On motion of Mr. Harris, the proceedings of the public meeting of the citizens of Mobile, were referred to the Committee on Military Affairs.

On motion of Mr. Hanks, the letter of Benj. F. Smith, was referred to the Committee on Naval Affairs.

On motion of Mr. Harris, the Council went into secret session, and after some time spent therein the doors were opened.

Mr. Barrett reported as duly enrolled, an ordinance and decree authorizing the Governor to grant registers to vessels, &c., and an ordinance and decree authorizing and requiring the Governor to appoint a commissioner in the several Municipalities to administer oaths, &c.

On motion of Mr. Kerr, Mr. Westover was requested to call on the delegates elected to the Convention from San Patricio, and request them to select one of their number to represent that Municipality in this Council.

On motion the Council adjourned till 9 o'clock, to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 1st, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Millard from the Select Committee to whom was referred the report of William Pettus, and George M. Patrick, respecting the army, reported an ordinance and decree for supplying the army of the people now in the field before Bexar, with money and for other purposes, which was read a first time, and on motion of Mr. Harris, the rule of the House was suspended and the ordinance was read a second time.

On motion of Mr. Parmer, the ordinance was amended by adding to the repealing clause the following words, "and that the said Thomas Gay, be directed to return to the Treasurer the money he may have received by virtue of the ordinance, which is so repealed," when on motion of Mr. Clements the rule was suspended and the ordinance read a third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

Mr. Westover reported verbally, that he had waited on the members of the Convention from San Patricio, and that they had made choice of Lewis Ayres.

The President laid before the Council the resignation of Mr. Grimes, as a member from the Municipality of Washington, which was accepted.

Mr. Ayres, member elect from the Municipality of San Patricio, was sworn and took his seat.

Mr. Hoxie, member elect from Washington, was sworn and took his seat.

On motion of Mr. Parker, the report of D. B. Friar, superintendant of rangers, appointed by a former Council, was received and referred to the Committee on Finance.

Mr. Barrett presented the following resolution, which was unanimously adopted.

"Whereas, the report of Adjutant Westover, of his capture of Le Ponticlan near San Patricio, and defeat of a body of the enemy near double his number, evincing a skill and courage in the commander, and bravery of his men, well worthy of emulation, has from the press of business been omitted, not from any unwillingness of this Council or any of its members, to award the praise of meritorious acts to their actors.

"Therefore be it resolved, That the thanks of the General Council be given to Adjutant Westover and the brave men of his command, for their patriotism and heroic conduct in the reducing Le Ponticlan and the succeeding battle on the Rio Nueces, and complete victory over an enemy of 75 men with but 40 Texians under a most disadvantageous position; and that a copy of the above resolution signed by the President and

Secretary, and presented to Adjutant Westover, with a request that he make the same known to the men of his command.

On motion of Mr. Parmer Mr. Hoxie was appointed to the Standing Committee on Land and Indian Affairs.

On motion of Mr. Millard, Mr. Ayres was appointed to the Standing Committee on Finance.

Mr. Barrett submitted a letter from Major Williamson, of the Rangers, on the subject of Indian depredations, which, on motion of Mr. Barrett, together with all the documents and papers relating to the Rangers, now in the hands of the Military Committee, were referred to the Committee on Land and Indian Affairs.

Mr. Millard, by leave, introduced an ordinance and decree for the relief of L. Smithers, which was read a first time.

On motion of Mr. Millard, the ordinance was read a second time, the rule of the House having been suspended.

Mr. Millard offered the following amendment, which was adopted as an additional section.

“Be it further ordained and decreed, &c., That the Treasurer be required to pay to Thomas J. Shaw, forty dollars, to H. H. Lockridge, the sum of thirty five dollars, to James D. Elliott, the sum of thirty dollars, taking duplicate receipts and depositing one in the Executive office, from the above named persons individually, for the above sums so paid out, the same being for monies paid out by the above individuals when sick on the road while in the service of Texas, and provided for by an order of the Convention not yet carried into effect.”

On motion of Mr. Parker, the rule of the House was further suspended and the ordinance read a third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

On motion of Mr. Millard, the title of the ordinance was amended so as to read “an ordinance and decree for the relief of L. Smithers and others.”

Mr. Parker, by leave, introduced an ordinance providing for the election of members to the Convention to meet the first of March, 1836, and requesting the people of Texas to vote on the subjects therein named, which was read a first time and ordered to a second reading to-morrow.

Mr. Parmer, by leave, introduced an ordinance and decree granting a bounty in land to certain volunteers in the army of the people of Texas, which was read a first time and ordered to a second reading to-morrow.

Mr. Barnett presented the account of Peter Martin, which was referred to the Committee on Military Affairs.

On motion, the Council adjourned to seven o'clock p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President laid before the Council a letter from B. B. Goodrich, requesting the appointment of Surgeon to the corps of Rangers, which was referred to the Committee on Military Affairs.

Mr. Hoxie submitted a letter from Wilson Williams, tendering the services of Dr. Estis, as Surgeon in the Army of Texas, which was referred to the Committee on Military Affairs.

Mr. Barrett, by leave, submitted the report of the Commissioners appointed by the Convention, under the 14th section of the organic law,

for the department of Brazos, which was accompanied by copies of correspondence between the Commissioners and Mr. Steel, Commissioner of the Nashville Colony, in which he refuses to conform to the provisions of said law, all of which were read, and on motion of Mr. Barrett, referred to a select committee of three.

Messrs. Barrett, Barnett and Hanks, were appointed that committee.

Mr. Harris laid before the Council an application from S. Dinsmore, jr., for a commission with letters of marque and reprisal, which, on motion of Mr. Harris, was granted.

The President submitted the following message from his Excellency the Governor.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN—Enclosed I transmit to you the application of Col. Potter, which will speak for itself. Your body will make such disposition of it as circumstances and your better judgment shall direct.

With sentiments &c., &c.,

Your obedient servant,

HENRY SMITH,  
Governor,

December, 1st, 1835.

On motion of Mr. Parker, the application of Col. Potter, for a commission with letters of marque and reprisal, was granted.

Mr. Harris presented the following resolution, which was adopted.

“Resolved, That the Council go into an election on Monday next, for the Company Officers of one Battalion of Artillery of the Regular Army of Texas.”

Mr. Barrett from the committee appointed to wait on Colonel Gonzales, and communicate to him the principles of the Provisional Government, reported verbally, that they had discharged that duty, and that Colonel Gonzales offered his services in the same manner as other volunteers in the army of the people, and recommend that five hundred dollars be paid to Colonel Gonzales to assist him and his men in going to the army of the people.

On motion of Mr. Kerr, the report was adopted.

The Executive's Secretary presented the following message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN—I herewith transmit for your information, intelligence just received from our army at head quarters, near Bexar. The truly gratifying intelligence from our brave patriotic citizen soldiers, comports well with their true character, and deserves from us the highest praise and commendation, both as officers and men, who were engaged in the unequal contest. I would therefore recommend to your Honorable body the propriety of tendering to the worthy heroes, engaged in the late action, a vote of thanks and commendation for their laudable and merito-

rious conduct on that occasion and also to the whole army for their indefatigable perseverance, in which you will please join the heartfelt gratitude of your Executive, and encourage the heroic band never to cease their prudent operations, so long as the footsteps of a Mexican soldier is to be found on the plains of Texas.

I also transmit to you a communication from Major R. M. Williamson, of the corps of Rangers, which will show for itself. I have only to say, that I have since understood that the individuals therein named, have concluded to accept; of this matter you will be the judges. It is all important that the corps should be forthwith in service.

With sentiments, &c., &c.,

Your obedient servant,

HENRY SMITH,  
Governor.

December 1st, 1835.

On motion of Mr. Parker, the Council proceeded to elect a First Lieutenant of Rangers, to fill the vacancy occasioned by the non-acceptance of L. Smithers, as notified in Major Williamson's letter.

On motion of Mr. Hanks, the Council went into the election with closed doors, after some time spent in secret session the doors were opened and the proceedings directed to be recorded on the public journals, and were as follows:

Stephen Townsend and George M. Petty were nominated for First Lieutenant of Rangers.

When the ballots were counted there were for

Stephen Townsend,	-	-	-	-	-	-	6 votes.
George M. Petty,	-	-	-	-	-	-	5 "

A quorum of the Council not having voted, Mr. Barrett moved a call of the House, which was had, when Messrs. Wharton, Clements, Hoxie, Parmer and Padilla not answering to their names, the door keeper was ordered to bring them in.

A quorum having been formed, the House proceeded to ballot again, when there were for

George M. Petty,	-	-	-	-	-	-	8 votes.
Stephen Townsend,	-	-	-	-	-	-	5 "

Whereupon George M. Petty was duly elected First Lieutenant of Rangers.

On motion of Mr. Barnett, the House proceeded to elect a second Judge for the Municipality of Austin.

The rule of voting by ballot was suspended, and the election made "viva voce."

H. C. Hudson was then elected second Judge for the Municipality of Austin.

The President stated to the Council that he had paid over to the Treasurer the one hundred dollars presented by John Hutchins, of Natchez, Mississippi, and taken the Treasurer's receipt, which was ordered to be deposited in the Executive Office.

Mr. Millard from the Committee on Enrollments, presented as duly enrolled an ordinance and decree for supplying the army of the people

now in the field before Bexar, with money, and for other purposes: also an ordinance and decree for the relief of Launcelot Smith and others.

General Burleson's report of the action near Bexar, on the 26th November, transmitted by the Governor, having been read,

Mr. Barrett presented the following resolution, which was unanimously adopted.

"Resolved, that this House congratulate their fellow-citizens of Texas upon the glorious result of the battle fought near Bexar, on the 26th day of November last, between the volunteer army of the People and the troops of Santa Anna, under General Cas, with a great superiority of numbers on the part of the enemy, thereby evincing the superior bravery and courage of the heroic sons of Texas, and their brethren from the United States of the North, and that the thanks and congratulations of the General-Council, and the Governor of the Provisional Government, by his request, be given to General Edward Burleson, and the brave officers and men under his command, engaged in that brilliant affair, with assurances that the Provisional Government of Texas deeply feel the great obligations of the country to the patriotism and perseverance of the people's army, and that no means will be omitted to aid, comfort, and assist them in the accomplishment of the important enterprize against Bexar, in the success of which the interests and safety of our country are so deeply involved."

A copy of the foregoing was ordered to be signed by the President and Secretary, and forwarded to the army.

The House took up the ordinance and decree supplementary to an ordinance and decree for supplying the present volunteer army with provisions, &c., which after some discussion was again laid on the table.

Mr. Hanks presented the following resolution, which was adopted:

"Be it Resolved, that the name of the Municipality of Bevil be, and it is hereby altered and changed to that of the Municipality of Jasper, and that the public business and proceedings of said Municipality be in the name and style of Jasper instead of Bevil."

Mr. Barrett, from the Committee on State Affairs and Judiciary, reported an ordinance and decree altering and changing the manner in which drafts shall be drawn on the Treasurer, &c., which was read the first time and ordered to a second reading to-morrow.

On motion, the Council adjourned till 9 o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE, DE AUSTIN, }  
December 2, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceeding having been read,

The Executive's Secretary presented, approved by the Governor, an ordinance and decree for supplying the army of the People with money, and for other purposes.

The President laid before the Council the certificate of the election of Thomas G. Western, and others, as delegates to the Convention, which was ordered to be filed among the Convention papers.

Mr. Barrett, from the Select Committee to whom was referred the report of the Commissioners for the Department of Brazos, under the fourteenth section of the organic law, &c., presented the following report:

*To the Honorable, the General-Council  
of the Provisional Government:*

Your Committee to whom was referred the report of the Commissioners appointed for securing the papers and documents of the several Land-offices, of the Department of Brazos, agreeably to the 14th section of the Provisional Government of Texas, passed by the Consultation of the chosen Delegates of all Texas, in General Convention assembled, on the 13th day of November, 1835, report,—

That they have duly considered the conduct of Wm. H. Steel, the Commissioner of the Colony of the Nashville Company, in refusing to recognize the authority of the Commissioners, &c., and condemning the proceedings and orders of the Delegates of the People of Texas, assembled in General Convention, and in refusing to obey, and treating with contempt the mandates of the Provisional Government, organized by the People's Representatives, and are unanimous in advising that the General-Council should take prompt and efficient means to enforce obedience to the laws of the country. To this end your Committee advise the adoption of the following ordinance:

On motion of Mr. Harris the foregoing report was adopted.

The ordinance accompanying the report entitled "an ordinance and decree making it the duty of the Governor to issue a special commission and warrant, in the case of Wm. H. Steel, &c., was read a first time, and, on motion of Mr. Harris, the rule of the House was suspended, and the ordinance read a second and third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

On motion of Mr. Barrett, it was

"Resolved, that as A. G. Perry has abandoned his seat in this Council, from the Municipality of Viesca, that it be declared vacant, and that Alexander Thompson be appointed to fill the vacancy, and the Governor be notified of his appointment.

Mr. Kerr, by leave, presented a resolution on the subject of storming Bexar, which was read, and ordered to lie on the table.

Mr. Hanks presented the following resolutions, which, on motion of Mr. Ayres, was adopted:

"Resolved, that all ordinances, decrees, and public resolutions already passed by the General-Council or hereafter to be passed, shall be numbered, commencing with number one, and so rising in number without limit.

"Resolved, that it shall be the duty of the Secretary of the General-Council to examine and so number the several ordinances, decrees and public resolutions, already passed, and register them, together with their several titles agreeably to the date of their passage.

"Resolved, that the ordinances and decrees shall be registered in one class, and the public resolutions be numbered in the second class, and that the same be reported to the Council."

On motion of Mr. Kerr, the House took up the ordinance and decree creating a new Municipality off of, and from the west side of the Municipality of Viesca,

pality of Matagorda, to be called the Municipality of Jackson, which was read a second time.

On motion of Mr. Wharton, the rule of the House was suspended, and the ordinance read a third time, when the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

Mr. Wharton submitted a communication from Wm. H. Wharton to B. T. Archer, President of the late Convention, declining the appointment of Commissioner to the United States, &c., which was read and ordered to lie on the table.

Mr. Millard, from the Committee on Enrollments, reported, as duly enrolled, a resolution changing the name of the Municipality of Bevil to Jasper.

The President submitted a communication from G. A. Nixon, chairman of the Committee of Safety of Nacogdoches, on the subject of the funds advanced for expresses, &c., which was read.

Mr. Parker presented the following resolution which was adopted:

“Resolved, that there be twenty-five dollars appropriated to Stephen M’Laughlin, for the purpose of defraying his expenses, on his return from bearing an express from Nacogdoches to the army, now in the field.”

On motion of Mr. Barrett, the House took up the ordinance and decree altering and changing the manner of drawing drafts on on the Treasurer, which was read a second time, and, on motion of Mr. Barrett the rule of the House was suspended, and the ordinance read a third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

On motion of Mr. Barrett, Mr. Barnett was appointed to the Standing Committee on Enrollments.

Mr. Parker presented the following resolution, which was adopted:

“Resolved, that the order adopted by this House, confining the adjournments to certain hours therein named, be, and is hereby revoked, and that this House adjourn from time to time to such hours as this Council may see proper.”

The Executive’s Secretary presented, approved, the following ordinances, viz:

An ordinance and decree for the relief of L. Smithers, and others.

An ordinance and decree authorizing and requiring the Governor to appoint a Commissioner in the several Municipalities to administer oaths, &c.

An ordinance and decree authorizing the Governor to grant registers to vessels, &c.

On motion, the Council adjourned till 3 o’clock, p. m.

THREE O’CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Westover presented the petition of Bartolome Pajes, asking compensation for horses pressed into service, which was read and referred to the Committee on Finance.

Mr. Padilla presented a communication in Spanish on the subject of the Military movements of the Central Government against Texas.

On motion of Mr. Powers, Mr. M’Mullen was requested to translate and furnish this House with a copy of the communication.

On motion the Council adjourned till nine o’clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 3d, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Millard, from the Committee on Enrollments, presented, as duly enrolled, an ordinance and decree altering and changing the manner of drawing drafts on the Treasurer.

An ordinance and decree making it the duty of the Governor to issue a special commission and warrant in the case of Wm. H. Steel, &c.

An ordinance creating a new Municipality off of, and from the west side of the present Municipality of Matagorda to be called the Municipality of Jackson.

The Executive's Secretary presented, approved by the Governor a resolution changing the name of the Municipality of Bevil to Jasper.

The President laid before the Council the resignation of Martin Parmer, as a member of the Council from Tenchaw, which was read and ordered to lie on the table.

Mr. Barrett presented the following resolution, which was adopted:

"Resolved, that the Chairman of the Committee on Finance is required to draw an order on the Treasurer in favor of Col. Jose Maria Gonzales for five hundred dollars, agreeably to the report of a Select Committee upon that subject made and adopted the first day of December, inst.

Mr. Millard from the Committee on Finance asked and obtained leave to report on the subject of the report of D. B. Friar, Superintendent of the Rangers, as follows:

Your Committee on Finance, to whom was referred the report of D. B. Friar, Superintendent of the Rangers, &c., accompanied with an account and draft on the Treasurer, beg leave to report,—

That they are unable to determine what course to recommend to this Council to adopt on this subject, for want of proper vouchers and information, and beg to be discharged from any further action on the subject.

HENRY MILLARD, Chairman.

On motion of Mr. Clements, the foregoing report was accepted.

On motion of Mr. Barrett, the report of D. B. Friar was referred to the Committee on Military Affairs.

A translation of the communication submitted yesterday, by Mr. Padilla was read and referred to the Committee on State Affairs and Judiciary.

Mr. Power stated to the House that Col. Sandoval, prisoner of war wished for permission to join Col. Gonzales, and proceed to the camp before Bexar.

On motion of Mr. Ayres, the request of Mr. Sandoval was referred to the Committee on Military Affairs.

The President laid before the Council the following message, from the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN—I herewith transmit for your consideration and inspection, such communications as have come to my hands, as the Executive.

The one from Gonzales will claim your immediate and prompt attention, as the bearer will probably leave in the morning. The nature of the communication and the requisite attention should be prompt.

With sentiments, &c., &c.,

Your obedient servant,

HENRY SMITH,

Governor.

San Felipe, November 28th, 1835.

P. S. Capt. Blair, with his company, has tendered his services, which has been received, with an enrollment of his company, and will be disposed of in a proper manner.

A communication from Mr. Caldwell sub-commissary at Gonzales referred to in the message of the Governor, was referred to the Committee on Military Affairs, together with the report of George M. Patrick and Wm. Pettus, on the situation of the volunteer army.

The President laid before the Council a communication from the Committee of Safety for the Municipality of Liberty, respecting volunteers, &c., which was read and ordered to be filed in the Secretary's office.

The President submitted a communication from James Butler Bonham, tendering his services in the present struggle of Texas, &c.

On motion of Mr. Clements, the services of Mr. Bonham were thankfully accepted.

The President laid before the Council a communication from the Committee of Safety of Nacogdoches, recommending that the Commissioners of land-offices continue to issue titles for lands surveyed previous to November 1st., which, on motion of Mr. Millard, was referred to the Committee on State Affairs.

Mr. Harris, from the Committee on Naval Affairs, presented the following report,—

The Committee on Naval Affairs to whom was referred the copy of a letter of Thomas Toby & Co., to M'Kinney & Williams, dated New Orleans, 20th November, 1835, have had the same under consideration and respectfully report,—

That every citizen of Texas who has the welfare of his adopted country at heart, must feel the greatest emotions in contemplating upon the prospects we have of receiving through the exertions of Mr. Williams, a large sum of money from New York, and that we may also expect a brig of 12 guns and a schooner of 6 guns, with some three or four thousand stands of arms to aid us in our struggle for constitutional Liberty.

Your committee would therefore recommend that the Provisional Government of Texas purchase or cause to be purchased the said vessels, together with the arms, provided said vessels are of a class that will come within the purview or meaning of an ordinance and decree creating a Navy.

And, further, your Committee have had the letter of Benj. F. Smith, to the Executive, praying for a commission with letters of marque and reprisal, under consideration and your committee see no good reason why a blank commission of a letter of marque and reprisal should not be granted to the said Benjamin F. Smith, and therefore recommend it.

WM. P. HARRIS, Chairman.

On motion of Mr. Barrett, the foregoing report was adopted and the Committee instructed to report an ordinance for purchasing said vessels, &c.

Mr. Millard, from the Committee on Finance, presented the following report,—

Your Committee on Finance, to whom was referred sundry accounts, have had the same under consideration and beg leave to report,—

That the account of J. E. Watkins, for stove pipes, &c, they find correct, amounting to \$15 87 1-2 cents; also the account of A. Blair, sergeant-at-arms, for the balance due him up to to the first December, for services rendered the Convention and Council, and for sundry sums paid by him for wood, candles, &c., for the use of this Council, amounting to \$29, also that Mr. Powell, Chief Clerk, pro tem, to the State and Judiciary, and Finance Committees, account for six days service, amounting to \$30, be allowed.

HENRY MILLARD, Chairman.

On motion of Mr. Barrett, the foregoing report was adopted.

On motion of Mr. Parker, the House took up the ordinance and decree providing for the election of members to the Convention to meet the first day of March, 1836, and requesting the people of Texas to vote on the subjects therein named, which, after some discussion, on motion of Mr. Hanks, was referred to the Committee on State Affairs and the Judiciary.

The House took up the ordinance and decree granting a bounty in land to certain volunteers in the army of the People of Texas, which was read the second time, and, on motion Mr. Millard, ordered to lie on the table until to-morrow.

Mr. Barrett, from the Committee on State and Judiciary asked and obtained leave to introduce the following report,—

*To the Honorable, the General Council of the  
Provisional Government of Texas:*

Your Committee on State Affairs, &c., to whom was referred that part of the Governor's message relating to the Post-office Department, report as follows, for the consideration of this body:

That during the month of October last a Special Council of Texas, then sitting, commenced a partial organization of the Post-office Department, and appointed John R. Jones, Esq., Postmaster General, pro tem. The qualifications of this gentleman for this high trust are spoken of in the late message of the Governor, in strong terms of commendation, to which your committee most heartily respond. Your committee, after a free interchange of opinion and several conferences with Mr. Jones, recommend the following plan for your consideration as giving an elementary outline, which may hereafter lead to a perfect system, in this

complicated and interesting department of our government. With these views your committee beg leave to present an ordinance and decree creating a General Post-office Department.

D. C. BARRETT, Chairman.  
DANIEL PARKER, }  
J. A. PADILLA, } Committee.

On motion of Mr. Harris, the foregoing report was adopted, and the ordinance and decree was read a first time, and ordered to a second reading to-morrow.

Mr. Hoxey presented the account of Robert Stevenson, with vouchers for advances to volunteers, which was referred to the Committee on Finance.

The President laid before the Council a communication from Lieut. Francis B. Wright to Messrs. Austin and Houston on the subject of fitting out vessels of war, &c., which was read and referred to the Committee on Naval Affairs.

Mr. Hanks presented the account of James S. Holman, for advances to volunteers, which was referred to the Committee on Finance.

On motion, the Council adjourned till 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Millard, the House went into consideration of the ordinance and decree to raise a loan to defray the expenses of the Provisional Government, which was read a second time.

On motion of Mr. Hoxey, the words "to defray the expenses" in the title and in the first section, were stricken out, and the words "for the use of" inserted.

On motion of Mr. Barrett, the ordinance was laid on the table, and copies of it ordered to be furnished to each standing committee, except the Committee on Enrollments.

On motion of Mr. Millard, the House took up the "ordinance appointing an Enrolling Clerk to the General-Council, and prescribing his duties, and for other purposes, which was read a second time, and, on motion of Mr. Barrett, was indefinitely postponed.

On motion of Mr. Barrett, it was

"Resolved, that a supernumerary Clerk be appointed, who shall act under the direction of the Secretary of this body.

Mr. Parker, by leave of the House, introduced an ordinance and decree regulating the Treasury and directing the course to be pursued with the accounts thereon, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr. Barrett, the Council went into secret session, and after some time spent therein, the doors were opened, when so much of the proceedings in secret session as relates to election of officers was ordered to be entered on the public journals, and is as follows:

Mr. Hanks moved that the Council proceed to elect a supernumerary Clerk, which was agreed to.

On motion of Mr. Hanks, the election was directed to be made viva voce.

Mr. Hanks nominated E. W. Cullen.

Mr. Clements nominated Wm. S. Fisher, when, on motion of Mr. Ayres, Mr. Fisher was elected.

On motion the Council adjourned till 9 o'clock, to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 4th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Hanks, from the Committee on Military Affairs, presented the following report,—

The Committee to whom was referred the accounts of Mr. Friar the contractor to supply the Rangers from the Brazos and Colorado Rivers, ask leave to report,—

That by the laws of the permanent Council establishing the said Rangers. The pay of the Ranger was fixed at \$1 25 per day, and that the articles and provisions furnished by said contractor, independently of their not being enumerated specifically in the bills presented, are exorbitant in their charge, and inadmissible, your committee are of opinion that a certain per diem allowance, in the way of rations, to be certain and fixed, should be allowed by this Council, as a full satisfaction of all expenditures made on their account in addition to the per diem allowance of \$1 25 granted and fixed by the permanent Council. Your Committee deem it indispensable that the muster roll of each company of Rangers should be made out and properly attested and transmitted or presented to the Committee before a liquidation or settlement of their pay can properly be made.

WYATT HANKS, Chairman.

On motion of Mr. Power, the foregoing report was adopted.

Mr. Millard, from the Committee on Finance, presented the following report:

The Committee on Finance to whom was referred the account of Baker & Borden, for printing certain hand-bills and blanks, have examined the same and recommend payment of the amount which is \$593 75.

HENRY MILLARD, Chairman.

On motion of Mr. Ayres, the foregoing report was adopted.

Mr. Millard, from the same Committee, presented the following report,—

The Committee on Finance, to whom was referred the petition of Bartolome Pajes, for compensation for horses and riding animals pressed in the public service at Goliad; beg leave to report,—

That they recommend that the petitioner should be allowed \$17 per head for each of fifty-one horses and riding animals, that being the price at which they were valued by commissioners appointed by P. Dimit, commandant at Goliad, amounting in the whole to \$867.

HENRY MILLARD, Chairman.

On motion of Mr. Wharton, the foregoing report was amended by adding at the end the words "without prejudice to his claim for remuneration, when, on motion of Mr. Hanks, the report was adopted.

Mr. Barrett, from the Committee on State Affairs and Judiciary, presented the following report:

*To the Honorable, the General Council of the  
Provisional Government of Texas:*

Your Committee of State, &c., to whom was referred the letter, &c., of the Committee of Safety of Nacogdoches, upon the subject of Land Offices, &c., report,

That the Committee of Safety of Nacogdoches, when making the communication to this House, were evidently uninformed of the proceedings of the Consultation upon the subject of Land, and Land Offices. The resolution of the Council, which existed before the meeting of the Consultation, passed, October 27th, is wholly inoperative in its requirements, and forms no basis for the action of the Provisional Government; and whatever evils may arise, or benefits result to Texas, from the measure of suspending all proceedings as regards Land Titles, neither censure nor credit can be given to that Council.

By the 14th article of the organic law of the Provisional Government, all Officers and all "persons concerned in the location of lands, are ordered forthwith to cease their operations," and Commissioners are appointed, for the reasons expressed, to take charge of "all the archives," belonging to the different Land Offices, and deposit them, &c.

This article is mandatory, and has no mitigating provision, whatever. If any article or part of the organic law, passed by the Consultation, by which the present Government was created, and which alone gives authority to its acts, are regarded as obligatory, and to govern its proceedings. The provisions of no article can be disobeyed; an attempt to annul any part, would be to deny the power that gave existence to the Provisional Government; consequently, no powers exist in this case, but to execute the command of the Consultation.

Already has the Commissioner of the first established Land Office in Texas, yielded a prompt and honorable acquiescence to the mandates of the people's Representatives. A refractory Commissioner of the Nashville Colony, will be proceeded against forthwith, and obedience enforced, and the Officer punished for his contumely and disaffection to the Government of the People. Under such circumstances, the integrity and dignity of the Government would be set at nought, and brought into contempt, with the citizens, as affording neither security to their property, or protection to their persons, if it failed in moral energy and physical power to effect the objects for which it was called into existence. The alternative is therefore obvious, that the Organic Law must be enforced, and all ordinances and decrees of the Provisional Government, must be respected and obeyed.

The execution of the 14th article, &c., in the present case, must precede any power of action in the matter on the part of the General Council; but as the act itself, purports only the security of the public records and a guarantee of equal privileges, to those in their country's service, with such citizens as remain at home, no pre-existing rights are, or can be affected; and there can be no doubt as to the powers of the Provi-

sional Government to provide for the completing all incipient titles, in such a manner as to meet the objects of the Consultation, in the said 14th article. Expediency and the interest of Texas, must determine the course of the Council in this, as well as in all other of its actions.

Your Committee, believing that the good citizens of the Nacogdoches Department, in view of all these facts and necessities, will readily concur in and give aid to the full execution of the mandates of their own Representatives in solemn Convention assembled, can give no other opinion than that which duty requires of the existing authorities of the people, and cannot but hope, that all who are contemplated in the provisions of the 14th article, as before mentioned will submit and yield obedience, especially when convinced that resistance will not only be vain, but subject them to heavy penalties.

Your Committee advise a copy of this report, signed by the President and Secretary of the General Council, be forwarded to the Committee of safety of Nacogdoches.

D. C. BARRETT, Chairman.  
DANIEL PARKER, } Committee.  
J. A. PADILLA. }

On motion of Mr. Millard, the foregoing report was adopted.

Mr. Barrett from the Committee on State Affairs and Judiciary, to whom was referred, "an ordinance and decree for calling a Convention, &c.," presented the following report:

"By the laws of creation and nature, all men are free and equal; of these natural rights no man can be forcibly deprived, on the principles of immutable justice. A desire for domination and power in man, over his fellow men, subjects the weak and unambitious, to the machinations of the more subtle and strong. To avoid such evils, social compacts or governments are formed, for mutual and individual protection, to this end, each member of a community surrenders certain of his natural rights for common security. Thus, of necessity, all the legitimate powers of any government are immediately derived from the governed. The people are sovereign, and all the Officers designated for the execution of this civil compact, are agents, and accountable for their fidelity; when such agents assume the character of principles or dictators, and attempt of their own will to subvert the form and true principles of the governmental compact, and substitute another, without the consent of the parties, whose agents they are, resistance from the people, is necessary and a virtue; in this situation are the citizens of Texas, and a considerable portion of the Mexican Republic, of which Texas is a part; resistance is therefore a duty. The protection of our liberties, our natural and reserved rights make it so. Arms are the resort, and in arms the people will find their only security from the oppression of ambitious tyrants, whose chains are forged to manacle our citizens, and subdue them to their will. Courage and bravery in resistance, and prudence in Council, will restore to us the natural sovereignty of all governments.

Our civil compact or constitution is destroyed, and another must be formed to guarantee the purposes and ends of political association. A provisional or temporary Government, however wisely formed, or prudently administered, is at best uncertain and insecure. Permanency and

strength should be the basis of all Governments. With these views, your Committee submit the accompanying ordinance for calling a Convention, to meet on the first of March next.

D. C. BARRETT, Chairman.  
 D. PARKER,  
 J. A. PADILLA. } Committee.

The foregoing report having been read,

On motion of Mr. Wharton, the report and ordinance were laid on the table.

On motion of Mr. Barrett, a copy of the foregoing and the ordinance accompanying it, was ordered to be furnished to each standing Committee.

On motion of Mr. Parker, the report of the Committee of Finance, on Mrs. Peyton's accounts, (laid on the table some days since,) was taken up and recommitted to the Committee of Finance.

The Executive Secretary presented the following message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
 Members of the Legislative Council:*

GENTLEMEN:—I herewith transmit for your information, various communications recently received, all of which will show for themselves, and to some of which I call your particular attention. The documents in the Castilian language, are said to be the product of an intercepted correspondence, from the interior authorities of the Central Government to General Cos, at Bexar. They contain the plans of Santa Anna, for a vigorous prosecution of the war against Texas, which is determined by him as a war of extermination.—General Austin informs me, that in one of his communications he has consolidated the principal matter in a brief manner. I would therefore recommend that the whole be read before your body; and such portions translated and published as you may deem expedient. The printed documents, purporting to be the acts of the General Congress, establishing and defining the plan of the Central Government, with some manuscript documents, marked confidential, you may at least deem worthy of publication, together with a condensed view of the whole subject matter of the intercepted correspondence. The domestic correspondence, herewith accompanying, will show for itself, and by you will be taken for what it is worth. Some of the documents are the views and opinions of men, which by you can be properly appreciated.—Taking a fair view of things as they now seem to stand, I have no doubt you will agree with me, that every energy and exertion on our part should be resorted to, to counteract, or meet with efficiency, the pending storm which overhangs our country. It must be acknowledged by all, that our only succour is expected from the East, where as yet we have not dispatched our agents, sufficient time has elapsed since the rising of the Convention, for them, by this time, to have arrived in the United States. They have called on me, in vain, day after day, time after time, for their dispatches, at least some of them, and they are not yet ready. I say to you, the fate of Texas depends upon

their immediate dispatch and success. Why then delay a matter of such vital importance, and give place to minor matters which could be much better delayed? Permit me to beg of you a suspension of all other business, until our Foreign Agents are dispatched.

I would further suggest to your body the propriety of passing a bill, authorising the Executive to issue his proclamation, calling upon the different Jurisdictions, to send Delegates to a new Convention, to meet in conformity with the Organic Law, and the elections to be as soon as practicable, and that the Members be clothed with plenary powers, and that in forming the bill, you apportion the Representatives as nearly as possible, on the principles of equality.

The proceedings of our former Convention have not yet appeared before the public. A circumstance well and justly calculated to bring down upon us the public censure and odium of the whole community. The Committee charged with that trust, by the Convention, justly merits reprehension, and a vote of public censure for the neglect and contumely with which they have treated the public confidence.

With sentiments,

Of the highest respect, &c., &c.,

I am Gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 4st, 1835.

The foregoing Message having been read, on motion of Mr. Barrett, the Council went into Secret Session, and after some time spent therein, the doors were opened; when on motion of Mr. Barrett, several letters accompanying the Message were referred as follows:

The letters of W. B. Travis and J. W. Fannin were referred to the Committee on Military Affairs.

The letter of McKinney and Williams, was referred to a Select Committee of two. Messrs. Barrett and Parker were appointed that Committee.

On motion of Mr. Millard, the "ordinance creating a loan for the use of the Provisional Government, was taken up and after some consideration, on motion the Council adjourned to 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The House resumed the consideration of the "ordinance creating a loan for the use of the Provisional Government;" when, on motion of Mr. Barrett, the House went into Committee of the Whole, on the consideration of the ordinance, Mr. Parker in the Chair, after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

On motion of Mr. Kerr, the Council went into Secret Session, and after some time spent therein, the doors were opened; when, on motion of Mr. Barrett, the House again went into Committee of the Whole, and after some time spent therein, the Committee rose and reported to the House, as amended, the Ordinance creating a loan, &c.; which was adopted, and ordered to be engrossed.

On motion the Council adjourned to 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Millard reported to the House Engrossed, the "Ordinance creating a loan for the use of the Provisional Government of Texas;" which was read the first time, and on motion of Mr. Millard, the rule of the House was suspended, and the Ordinance read the second time.

Mr. Harris moved to strike out the name of Mr. W. H. Wharton, in the second section, which was negatived.

On motion of Mr. Millard, the rule of the House was further suspended, and the Ordinance read the third time; when the question was taken on its final passage, and decided in the affirmative. So the Ordinance passed.

Mr. Barrett moved that the report of the Committee of Finance, which accompanied the above, be taken up and adopted; which was agreed to.

Mr. Hanks, from the Committee on Military Affairs, reported "an Ordinance and Decree to organize and establish an auxiliary Volunteer Corps for Texas;" which was read the first time, and, on motion of Mr. Wharton, the rule of the House was suspended and the Ordinance read the second time.

On motion of Mr. Clements, the Ordinance was committed to the Committee on Military Affairs.

On motion of Mr. Kerr, the President was requested to communicate such intelligence as may come before the House, in Secret Session, respecting the war, to the Governor, Major General, and such others Officers of the Army, as he may think proper.

Mr. McMillard, from the Committee on Finance, presented the following report:

The Committee on Finance, to whom was referred the accounts of Robert Stevenson, for sundry articles of clothing, &c., for the public service, beg leave to report, that they have examined the same, and recommend the payment, amounting in all to seventy-one dollars, sixty-two and one half cents.

HENRY MILLARD, Chairman.  
LEWIS AYRES, } Committee.  
THOMAS BARNETT, }

Mr. Wharton presented the following resolution, which was adopted:

"Resolved, that a committee of three be appointed to whom shall be referred the communications of S. F. Austin and Wm. H. Wharton, together with the Governor's message of this day, and accompanying documents; also, the ordinance for calling a convention. That said committee be instructed to report on the propriety of calling a convention,—the time and place of holding it,—to apportion the representation in said Convention according to the population, and fix the number of Delegates for each Municipality, and prepare an address to the people of Texas, setting forth the facts and reasons that induce us to recommend the measure;" the President appointed Messrs. Wharton, Barrett and Millard that committee.

On motion of Mr. Wharton, the Council went into secret session, and after some time spent therein, the doors were opened.

Mr. Hanks, from the Committee on Military Affairs, reported amend-

ed an ordinance and decree to organize and establish an auxilliary volunteer corps for Texas, which was read a first time.

On motion of Mr. Barrett, the rule of the house was suspended, and the ordinance read a second time, when, on motion, the Council adjourned till 9 o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 5th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceedings having been read,

Mr. Barnett from the Committee on Enrollments, presented, as duly enrolled, an ordinance and decree to raise a loan for the use of the Provisional Government of Texas.

Mr. Moody, who had been elected Clerk to several standing Committees of the House, was sworn.

The House resumed the consideration of the ordinance and decree to create and organize an auxilliary corps for Texas.

On motion of Mr. Hanks, the 12th section was stricken out.

On motion of Mr. Harris, the ordinance was read a second time, when the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

The President laid before the House a communication from Gen. Houston, respecting the organization of the army, &c., which was read and referred to the Committee on Military Affairs.

The President laid before the House an address from P. Dimit, commandant at Goliad, calling for volunteers, &c., which was laid on the table.

Mr. Kerr presented the following resolution, which was adopted:

“Resolved, that the contractor for the volunteer army (Wm. Pettus,) be instructed to proceed immediately to the towns on the sea coast, and purchase the following articles for the army, and cause them to be forwarded with dispatch, viz: six hundred and sixty-six pair warm pantaloons, three hundred and thirty-three vests, six hundred and sixty-six pairs socks, three hundred and thirty-three round jackets; and be it also Resolved, that the said contractor be instructed to forward at all times to the volunteer army, such things as may be from time to time, ordered by the commander of that army and report the same to the Provisional Government.”

On motion of Mr. Barrett, the Council went into secret session, and after some time spent therein, the doors were opened.

Mr. West, by leave, introduced an ordinance designating the boundaries of the Municipality of Jefferson and for other purposes, which was read a first time; and on motion of Mr. West, the rule of the House was suspended, and the ordinance read a second and third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

The President submitted the account of Isaac Best and Daniel Taylor for ferriages for volunteers, &c., which was referred to the Committee on Finance.

Mr. Barrett presented an account of S. F. Austin, for money advanced, and horses purchased for the volunteer army, which was referred to the Committee on Finance.

Mr. Barrett submitted a proposition for furnishing a library, which was referred to the Committee on Finance.

On motion of Mr. Kerr, the resolution presented by him some days since, respecting the storming of Bexar, was taken up and read, after some debate it was again laid on the table.

On motion, the Council adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Barrett, from the Committee on State Affairs and Judiciary, reported an ordinance authorizing and requiring the Governor to give instructions to commissioners to the United States of the North, which was read a first time.

On motion of Mr. Kerr, the rule of the House was suspended, and the ordinance read a second time.

Mr. Harris moved to strike out the name of Wm. H. Wharton, in the first section, which was negatived.

On motion of Mr. Harris, the ordinance was amended by adding to the 5th section the following words, "also provided that the said commissioners, or a majority of them, may fill out and give letters of marque, &c., (which they shall be furnished with in blank form legally signed,) to such persons and such restrictions as required by the ordinances of the Provisional Government of Texas.

On motion of Mr. Kerr, the rule of the House was further suspended, and the ordinance read a third time, when the question was taken on its final passage and decided in the affirmative: so the ordinance passed.

On motion of Mr. Hanks, the Council went into secret session, and after some time spent therein, the doors were opened.

Mr. Kerr presented a petition from Ira R. Lewis, and other owners of the schooner William Robbins, for letters of marque and reprisal, which was granted.

Mr. Hanks, from the Committee on Military Affairs, reported an ordinance and decree confirming the appointment of Wm. Pettus, contractor for the volunteer army near Bexar, which was read a first time.

On motion of Mr. Millard, the rule of the House was suspended, and the ordinance read a second time.

On motion of Mr. Barrett, the first blank in the 4th section was filled by inserting "two thousand dollars."

On motion of Mr. Clements, the second blank was filled by inserting, "of the Provisional Governor and his successors in office."

On motion of Mr. Millard, the rule of the House was further suspended, and the ordinance read a third time, when the question was taken on its final passage, and decided in the affirmative: so the ordinance passed.

On motion of Mr. Barrett, the Secretary was directed to furnish copies of the ordinance just passed to Col. Wm. Pettus and Gen. Burleson.

On motion of Mr. Barrett, the Council proceeded to elect a Treasurer for the Provisional Government.

The election was ordered to be made viva voce.

Mr. Barrett nominated Joshua Fletcher, who was unanimously elected Treasurer of the Provisional Government of Texas.

On motion, the Council adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 6th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Millard, from the Committee on Enrollments, reported, as duly enrolled,—

“An ordinance authorizing and requiring the Governor to give instructions to our Commissioners to the United States of the North.

“An ordinance and decree confirming the appointment of William Pettus, contractor for the volunteer army, and an ordinance and decree to organize and establish an auxiliary volunteer corps for Texas.

On motion of Mr. Barrett, Mr. Royall was admitted to a seat as a member of the Council from Matagorda, whereupon, Mr. Royall took his seat.

Mr. Hanks, from the Committee on Military Affairs, presented, (respecting the request of Col. Sandoval to join Col. Gonzales,) a report, accompanied by the following resolution:

“Resolved that the prisoners taken at Goliad, (Col. Sandoval, and others,) be taken to the town of San Augustine, in the Municipality of San Augustine, and there delivered to the Committee of Vigilance and Safety, and by them to be safely kept, subject to the disposition of the Council, and that the Governor be and he is hereby empowered to carry into full force and effect this resolution.”

On motion of Mr. Barrett, the foregoing resolution was adopted.

The report accompanying it was ordered to lie on the table.

Mr. Hanks, from the same committee, presented the following report and resolution:

“We the Committee on Military Affairs, to whom was referred the letter of Thomas Hooper, dated Alexandria, 30th October, 1835, respectfully report unto the General Council, that we have examined the contents of said letter, and after mature deliberation would suggest the propriety of a letter being addressed by the Governor in answer to the said Thomas Hooper's letter, expressive of our heartfelt thanks for the aid which he and his friend Capt. R. Anderson tenders to us in our struggle for Constitutional Liberty against despotism. For the services of more men than can be possibly raised in our own state, will be required to repel the repeated attempts that will be made by the native Mexicans to invade our country. That military rule and the most dire oppression is the intention of the Centralists, can no longer be questioned, should they triumph over us. For we may expect not only a Christian warfare, but a war of extermination from our enemies; therefore, we should not hesitate in accepting the services of those who are willing to rally around the standard we have raised in defence of the rights and immunities which belong to us as freemen. It was the succour which the United

States obtained from France, that generally contributed to their triumph over so formidable an enemy as that of England.

It is the citizens of that Government which commands the respect and admiration of the world, who offer to peril their lives in defence of our rights and liberties. Could we refuse them? Dare we reject the offer of their services? It would be worse than madness. On the contrary we should hold out every inducement to volunteers from abroad."

The committee therefore recommend the adoption of the following resolution:

"Resolved, that a certified copy of the ordinances and decrees establishing the regular army and an auxiliary volunteer corps be forwarded to Thomas Hooper of Alexandria, La., and that the said Thomas Hooper be solicited through a letter addressed to him by the Governor to request the Editors of newspapers throughout the United States to publish the aforesaid ordinances and decrees."

WYATT HANKS, Chairman.

J. D. CLEMENTS, Committee.

On motion of Mr. Kerr, the foregoing report and resolution were adopted.

Mr. Millard, from the Committee on Finance, reported an ordinance to establish, divide, and lay off the coast of Texas into revenue districts, and to declare and establish ports of entry and delivery, and for other purposes, which was read a first time and laid on the table.

On motion of Mr. Barrett, Mr. Royall was appointed to the Standing Committee on Military Affairs.

Mr. Barrett presented the following resolution, which was adopted:

"Resolved, that the Commanding General be, and he is hereby authorized to send one or more agents out of his Staff or officers in the line in company with the Commissioners to the United States to purchase under the directions of said Commissioners, provisions, arms, and munitions of war, for the supply of the regular army."

Mr. Barrett presented the following resolution, which was adopted:

"Resolved, that the Commissioners to the United States, be, and they are hereby authorized to divide the deposits ordered to be made in New Orleans, between the Union Bank of Louisiana and the Bank of Orleans, in such proportions as they may deem best.

Mr. Barrett also presented the following resolution which was adopted:

"Resolved, that Wm. Pettus, the contractor for the volunteer army, in conjunction and with the advice of T. F. M'Kinney, be directed to make such provision for fitting Gen. Mexia, and his command, at the mouth of Brazos as will enable them to proceed into the interior, &c., with the object of carrying the war into the enemies country, and that Gen. Mexia be required to report his plan of operations through the said contractor in writing to the Provisional Government of Texas."

Mr. Kerr presented to the House a draft on the Provisional Government, drawn by M. Caldwell, sub-contractor for volunteer army, in favor of Thomas M. Dennis, which was referred to the Committee on Finance.

The Executive's Secretary presented the following message from his Excellency, the Governor.

## EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council.*

GENTLEMEN—I have had under consideration the following bills, which have been passed by your body, viz:

An ordinance and decree changing the manner of drawing drafts on the Treasurer, &c.

I object to the bill for the following reasons: First, the Committee on Finance, with whom the whole discretion of appropriating money and drafting on the Treasury is vested, is like all other Committees belonging to your body, liable to change and shift its members, as such indiscreet appropriations might be made, and money drawn for improper uses. That a bare report to the Council of what has been done in order that it be noted in your journals, would afford no check to the act of the Committee, because the appropriation and draft on the Treasury would be made prior to the report of the Committee, and as such they would be left without check or corrective.

Secondly, I consider that no appropriations of money should be made except by law. That no committee or separate authority should be privileged to make appropriations, or draw money from the Treasury, without the necessary formalities having been complied with. Acting without the proper functionaries of Secretary, Comptroller, &c., it would be well to incorporate in our plan as many checks and balances as would be consistent, without producing complexity. For the foregoing reasons I object to the bill.

The ordinance making it my duty to issue a Special Commission for the arrest of Wm. H. Steel, I have signed and complied promptly with its provisions.

The bill creating a Municipality to be called the Municipality of Jackson I have signed, believing that it might afford convenience to the citizens, but at the same time feel satisfied that both that and the jurisdiction from which it is taken, will by that separation be rendered contemptible in numbers, and as such the more heavily burthened with municipal taxes. I would recommend to your honorable body, that in future you confine yourselves solely within the pale of the duties assigned to us.

The bills creating a loan and defining the duties of our Commissioners, I have signed, and wish every thing done for their immediate dispatch. I have seen no act of your body which has made any allowance for their outfit, or expenses while performing their various and responsible duties, this matter has certainly escaped your observation, and will, I hope, be promptly acted on, and that you will place such an amount at their disposition as will be ample and sufficient to comport with the dignity of the station and duties assigned them.

The bills appointing the contractor and treasurer have been signed.

I also transmit to you a communication from M. Caldwell, of Gonzales, which speaks for itself, and of which you will make the proper disposition.

Every thing connected with the dispatch of our commissioners, will, I hope, meet with the earliest possible dispatch.

All of which I transmit to your honorable body for the corresponding effects.

With sentiments, &c., &c.,

I am your obedient servant,

HENRY SMITH, Governor.

December 5th, 1835.

The ordinance returned by the Governor, as stated in the foregoing message, was considered and ordered to lie on the table.

The communication of M. Caldwell, alluded to in the message above, was referred to the Committee on Finance.

On motion of Mr. Barrett, so much of the foregoing message as relates to outfit and expenses of the Commissioners to the United States of the North was referred to the Committee on Finance.

Mr. Kerr presented the following resolution, which was adopted.

“Resolved, that the Governor be, and he is hereby authorized to issue a blank commission with letters of marque and reprisal for the Committee of safety for Matagorda, to be by them filled up for the commander of the William Robbins, under such regulations as are prescribed by the ordinance of the Council, granting letters of marque and reprisal.”

Mr. Harris offered the following resolution, which was adopted:

“Resolved, that the Governor is hereby authorized to grant a blank Commission, with letters of marque and reprisal, to be filled up by Benjamin F. Smith, under such regulations as are prescribed by the ordinances of the Council, granting letters of marque and reprisal.”

On motion of Mr. Parker, it was resolved that the Clerk of the Council be, and he is hereby instructed to furnish the Commander-in-Chief of the Army, with a copy of all ordinances, on the subject of the Army of Texas.

On motion of Mr. Parker, so much of the rule of this House as requires that resolutions shall be read three several times, before passing, was revoked.

On motion the Council adjourned to 6 o'clock, p. m.

SIX O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Parker, the House went into Secret Session, and after some time spent therein, the doors were opened, when so much of the proceedings in Secret Session, as related to the election of Officers, was ordered to be recorded on the public Journals, as follows:

On motion of Mr. Kerr, the Council proceeded to elect the necessary Officers for the New Municipality of Jackson.

Mr. Kerr nominated Patrick Usher, for First Judge, and Elijah Stapp for second Judge, and John Alley, William Millican and George Sutherland as Commissioners, for organizing the Militia; all of whom were duly elected, “Viva Voce.”

Mr. Harris presented the following resolution, which was adopted:

Resolved, that a Committee of three be appointed to draft an address to the patriotic citizens of the Mexican Nation, setting forth the causes and reasons why the people of Texas have taken up arms, and requesting them to co-operate with us in the glorious struggle against military despotism and misrule.

The President appointed Messrs. Harris, Powers and Kerr, that committee.

On motion of Mr. Barrett, the Door-keeper was discharged and fined three days wages, for neglect of duty.

Mr. Millard, from the Committee on Enrolled Bills, reported as duly Enrolled,—

On ordinance and decree, designating the boundaries of the municipality of Jefferson, and for other purposes.

A resolution making disposition of the prisoners taken at Goliad.

A resolution requiring the contractor for the volunteer army to make certain purchases.

A resolution authorising the Governor to issue a blank commission, with letters of marque and reprisal to the Committee of Safety of Matagorda.

A resolution authorising the Governor to issue a blank commission, with letters of marque and reprisal to Benjamin F. Smith.

A resolution for dividing the deposits ordered to be made in the Union Bank of Louisiana.

A resolution authorising the Commanding General to send Agents for purchases.

And a resolution directing the contractor for the volunteer army to make provision for General Mexia, and his command.

The President laid before the Council, several communications from Nacogdoches, on the subject of Land Offices; which were read, and on motion of Mr. Parker referred to the Committee on State and Judiciary.

On motion of Mr. Parker, Mr. Royal was added to the Committee on State and Judiciary, to act on the above named communications.

On motion of Mr. Clements, Mr. Kerr was appointed to the Standing Committee on Land and Indian Affairs.

Mr. Hanks, from the Committee on Military Affairs, presented the following report; which was received.

“Your Committee, to whom was referred the letter of General Sam Houston, dated, San Felipe de Austin, 4th December, 1835, urging the immediate necessity of an election of the officers of the regular army, having had the same under consideration, your Committee can state with confidence, believing that the statement will at the same time receive a favorable response from a majority of the General Council, that this Committee has thrown no impediment or obstacle in the way of raising the regular army, for the protection of Texas during the present war, as contemplated by the first article of the organic law of Texas. On the contrary, it is the opinion of your Committee, that the General Council has been as expeditious in the enactment of ordinances, the election of Officers, and every other necessary arrangement, in order to carry into full force and effect the first article of the organic law, to which our attention is called by the letter of General Sam Houston, as could be done under the press of business, and the distracted state of our affairs. Besides, a considerable portion of our time is and must necessarily be consumed in making provision to sustain the “Volunteer Army,” near Bexar. Upon them rest the hopes and fortunes of the people of Texas.

They have already defended the country against an invading foe, and are now holding them in check, by remaining in the field; and not to sustain them, would be to sacrifice our dearest rights and interests. Com-

plaints have been made to the General Council, already from said army, stating that they were in want of the necessary provisions and clothing. Letters of that nature have been referred to your Committee, which required the immediate action of the General Council, and could not be overlooked or neglected, under any consideration whatever.

There are many other important reasons, in the opinion of your Committee, why the General Council should not sooner, or even now, proceed to appoint all the officers of the regular army.

If the war should be protracted to any considerable length of time, and reinforcements continue to arrive, as we must expect from the present aspect of affairs, we shall need all the aid from foreign countries that can possibly be procured. No quarter from the enemy, or mercy at their hands, is expected. Successful resistance, then, is our only hope.—Hence the importance of holding out every inducement to Volunteers from abroad. There are doubtless many young men in the United States who would gladly embrace the opportunity of enlisting into the service of Texas, provided they could obtain appointments, suited in some degree to their qualifications. Texas now presents a fine field for those who desire military fame. Your Committee would therefore earnestly recommend, for the consideration of the General Council, the postponement of the appointment of the officers for five companies of the artillery, for the present. The object of your Committee in recommending this course, must be at once seen by the General Council. It is to leave open the door for promotion, so that if any person should make application for an appointment in the regular army, who is well recommended, and who can bring one or more companies to our assistance, should be promoted to some office, corresponding with the aid and qualifications of such applicant. If the gate of preferment should once be shut, we must expect to lose the services of such men. Men of talent, wealth or influence, will never submit to become privates in a regular army. And it is through their influence, in a great measure, that volunteers are to be obtained.

Your Committee would also recommend the Governor to issue, or cause to be issued, his proclamation, to establish head quarters for the regular army, and for the same to be organized: Also for the organization of the Militia, in conformity with an ordinance, passed on November 25th, 1835.

Your Committee would recommend the establishment of head quarters for the regular army, at Gonzales, or some other suitable place on the frontier.

Your Committee would further recommend to the General Council, that on to-morrow, the 7th inst. a lieutenant colonel, for the artillery, and the regimental officers of the corps of Infantry of the regular army, be appointed.

As to the outfits of an army, your Committee will simply refer to the proceedings of the General Council had upon that subject.

WYATT HANKS, Chairman.

J. D. CLEMENTS, Committee.

Mr. Hanks, from the Committee on Military Affairs, also presented the following report; which was adopted:

Your Committee, to whom was referred the letter of Wilson Williams, have had the same under consideration, and recommend that the name of

Mr. Estis be placed upon the list of applicants, for the appointment of Surgeon, in the regular army.

Your committee would further recommend, that Doctor Asa Hoxie, be authorised and instructed to address a letter of thanks to the said Dr. M. Estis, for the services which he tenders us; and inform him at the same time, that no appointment will be made, until the regular army is organized, as made and provided for by the organic law of Texas, creating a regular army for the protection of Texas, during the present war, and also that his name is placed on the list of applicants for the appointment of Surgeon.

WYATT HANKS, Chairman.  
J. D. CLEMENTS, Committee.

Mr. Parker presented the following resolutions:

Resolved, that the Commander-in-Chief, shall have power to accept the services of at least five thousand auxiliary Volunteers, agreeably to the organic law, and the ordinances and decrees of the General Council of Texas, in addition to the local Volunteers.

Resolved, that the Commander-in-Chief of the forces of Texas, shall establish his head quarters at such place as he may think best for the good of the service.

The foregoing having been read, were ordered to lie on the table.

Mr. Hanks presented the following resolution, which was adopted:

Be it resolved by the General Council, that our Foreign Agents shall be authorised and empowered, and are hereby authorised and empowered, to receive all monies and donations of any kind, that may be given or presented to Texas, by the citizens of the country which they may visit; and if said Agents should receive any money or monies, to deposit the same in some safe Bank, and report the same to the Provisional Government of Texas.

Be it further resolved, that a certified copy of this resolution be furnished said Agents.

Mr. Millard, from the Committee on Finance, reported an ordinance and decree, to provide for the outfit and contingent expenses of our Foreign Agents, to the United States of the North; which was read the first time.

On motion of Mr. Parker, the rule of the House was suspended, and the ordinance read the second time.

On motion of Mr. Royal, the blank in the first section, was filled by "five hundred."

On motion of Mr. Barrett, the blank in the second section was filled with "two thousand."

On motion of Mr. Power, the rule of the House was further suspended, and the ordinance read the third time, when the question was taken on its final passage, and decided in the affirmative. And the ordinance passed.

The following resolutions were returned by the Governor, approved:

A resolution requiring the contractor of the Volunteer army to make certain purchases.

A resolution authorising the Governor to grant a blank commission with letters of marque and reprisal, to the Committee of Safety for Matagorda.

On motion, the Council adjourned to 9 o'clock, to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 7th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment. The Journal of yesterday's proceedings having been read,

Mr. Millard from the Committee on Enrollments, reported as duly enrolled,—

An ordinance and decree to provide for the outfit and contingent expenses of our Foreign Agents, to the United States of America.

A resolution authorising our Foreign Agents to receive donations for Texas.

Mr. Millard from the Committee of Finance, reported an ordinance and decree, establishing and imposing duties of impost and tonage, and for other purposes; which was read the first time.

On motion of Mr. Millard, the rule of the House was suspended, and the ordinance read the second time.

On motion of Mr. Harris, the ordinance was ordered to lie on the table, and copies to be furnished to the several Standing Committees of the House.

On motion, the Council took up the ordinance, establishing a Post Office Department; which was read the second time.

Mr. Power moved to amend the ordinance, so that the postage on a single letter should not be more than twenty-five cents, for any distance; which was negatived.

On motion of Mr. Clements, the ordinance was amended, by adding at the end of the 19th section, the following words: "Or otherwise fined and punished as the Court may direct."

On motion of Mr. Millard, the rule of the House was further suspended, and the ordinance read the third time; when the question was taken on its final passage, and decided in the affirmative. So the ordinance passed.

The Executive Secretary presented the following message from his Excellency, the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable the President, and  
 Members of the Legislative Council:*

GENTLEMEN:—I hasten to lay before your honorable body an official communication from Dr. S. H. Everitt, one of our Commissioners, appointed to take charge of the Archives of the Land Offices of the Department of Nacogdoches, &c. You will see by his communication, what has been done, and will, I hope, take such immediate steps as will be calculated to carry the decree into effect, with the least possible delay.—I make this a separate communication, touching no other subject matter, in order that it receive the prompt and undivided attention of your body.

With due respect and consideration,  
 Your obedient servant,

HENRY SMITH,  
 Governor.

December 7th, 1835.

The communication of Dr. Everett, alluded to in the Message above, was referred to the Committee on State and Judiciary.

Mr. Wharton, from the Select Committee, to whom was referred the communication of S. F. Austin and William H. Wharton, together with the ordinance for calling a Convention &c., presented a report containing his views; which were that a Convention should be called to meet on the 15th of January next, on the principles of the ordinance which had been referred to that Committee.

Mr. Barrett, from the majority of the Committee, reported the former ordinance without amendment.

On motion, the Council adjourned to 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The reports of the Select Committee respecting the calling of a Convention, which were under consideration when the Council adjourned, were ordered to lie on the table.

Agreeably to a resolution passed December 1st, the House proceeded to the election of Company Officers for one Battalion in the Artillery of the Regular Army.

On motion of Mr. Clements, it was resolved that the Council also elect at this time, one Colonel, one Lieutenant Colonel, and one Major for the Regiment of Infantry, and one Colonel and one Lieutenant Colonel for the Artillery.

The elections were ordered to be made with closed doors.

After the elections were completed the proceedings were ordered to be recorded on the public Journals, and were as follows:

On the nomination of Mr. Barrett, James W. Fannin, jun. was duly elected Colonel of Artillery, "Viva Voce."

On the nomination of Mr. Barrett, James C. Neil was duly elected Lieutenant Colonel of Artillery, "Viva Voce."

Mr. Kerr moved that all the elections be made this day, "Viva Voce;" which was negatived.

When the House proceeded to ballot for Captains of Artillery, and J. W. E. Wallace, Ira Westover, Samuel Williams, J. N. Moreland and Peter J. Menard were duly elected Captains of Artillery.

The House then proceeded to ballot for First Lieutenants of Artillery; when John D. McAllister, Almeron Dickinson, John Henry, John Chaffin and Lucin W. Gates, were duly elected First Lieutenants of Artillery.

The House then proceeded to ballot for Second Lieutenants of Artillery; when James H. Blount, Joseph Cadle, Robert H. Foot, Alexander Farmer, and C. R. Sharp, were duly elected Second Lieutenants of Artillery.

The rule of voting by ballot was suspended, and the Third Lieutenants ordered to be elected "Viva Voce;" when William Holman, William Eaton, William C. Wilson, Robert J. Calder and George W. Poe, were duly elected Third Lieutenants of Artillery.

The Council then proceeded to ballot for Colonel of Infantry.

Mr. Parker nominated Philip A. Sublett.

Mr. Clements nominated Edward Burleson.

When the ballots were counted, there were for

Philip A. Sublett	-	-	-	-	8 votes.
Edward Burleson	-	-	-	-	6 "

Whereupon Philip A. Sublett was declared duly elected Colonel of Infantry.

On the nomination of Mr. Ayres, Henry Millard was duly elected Lieutenant Colonel of Infantry, "Viva Voce."

Mr. Barrett nominated William Oldham for Major.

Mr. Harris nominated M. W. Smith for Major of Infantry.

When the ballots were counted, there were for

William Oldham	-	-	-	-	12 votes.
M. W. Smith	-	-	-	-	1 "

Whereupon William Oldham was declared duly elected Major of Infantry.

On motion of Mr. Power, the Council proceeded to elect a Commissioner for organizing the Militia of the Municipality of Refugio, in place of Elkanor Brush, who is absent.

Mr. Power nominated George McKnight, who was duly elected "Viva Voce."

On motion, the Council adjourned to 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment, and on motion adjourned to 9 o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 8th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The Journals of yesterday's proceedings having been read,

Mr. Meniffee appeared and took his seat as a member from Austin.

Mr. Hanks from the Committee on Military Affairs, presented the following report and resolutions:

Your Committee to whom was referred the proceedings of a meeting held at Mobile on the 22d October last, have had the same under consideration, and do respectively report,—

That the preamble and resolutions adopted at the meeting held in the city of Mobile, contain information of the most important and encouraging nature to the people of Texas.

In the generous spirit of a free and magnanimous people, they have been among the first to tender their aid in our struggle against misrule and military despotism. A company of men from the city of Mobile has already passed through our town, armed and equipped for the field, on their march to join the volunteer army of the people of Texas, near Bexar: And your Committee is informed by a resolution which was unanimously adopted at the meeting held in Mobile, and contained in the proceedings forwarded to us by Joel T. Case, that a Committee was appointed to solicit contributions in behalf of the people of Texas, and receive the names and assist at discretion all volunteers who are disposed to go to Texas for the purpose of sustaining the people of that country in their present struggle. They also sympathise with us in our present conflict, and express their desire to hail the independence of Texas, and see her taking a seat among the sovereign nations of the earth.

Your Committee are of the opinion that if we receive the assistance from the United States of the North, which we may reasonably expect from the evidences already given us, that we shall be able to shake off the shackles which tyrants and religious bigotry have attempted to bind us with. Santa Anna, the priest, the enemies of constitutional liberty throughout Mexico, will tremble when they learn that the blood and treasure of thousands of the descendants of that patriotic band of heroes, who triumphed over England in the days of her strength and pride, have been tendered us in our present struggle for liberty and free institutions.

Your Committee do most earnestly recommend to the General Council the importance of soliciting through the Governor and our Foreign Agents, a continuance of the aid and assistance already extended to us by our liberal and patriotic friends in the United States of the North.

Your Committee would further recommend the adoption of the following resolutions:

WYATT HANKS, Chairman.  
 J. D. CLEMENTS,  
 R. R. ROYAL, } Committee.

Resolved, That the Governor of the Provisional Government of Texas, be instructed to address a letter to the Chairman and Committee appointed at a meeting held in the city of Mobile, in behalf of the people of Texas in their present difficulties, and setting forth the cause which have compelled us to take up arms, and expressive of our grateful feelings for the interest manifested by the citizens of Mobile for the success and welfare of Texas.

Be it further resolved, That a certified copy of the ordinance which provides for the donation of land to those who volunteer in the services of Texas, during the present war, and the ordinance creating an auxiliary corps to the regular army, be forwarded to the said Chairman and Committee in the city of Mobile, with a request to the Editors of newspapers in that city, that they publish the same.

Be it resolved, That a certified copy of this report and resolutions, be also forwarded to the Chairman and Committee aforesaid, and that the same be done by the Secretary of the General Council.

The foregoing report and resolutions having been read, were adopted.

Mr. Wharton presented the following resolution, which was adopted:

Resolved, That this Council immediately go into the election of one Lieutenant Colonel and two Majors, for the Regiment of Artillery.

The Council went into the election with closed doors.—After the elections were gone through, the proceedings were directed to be recorded upon the public journals; and were as follows:

On motion of Mr. Barrett, the elections were ordered to be made *viva voce*.

Mr. Wharton nominated David B. Macomb for Lieutenant Colonel of Artillery, who was duly elected.

Mr. Barrett nominated W. B. Travis for First Major of Artillery, who was duly elected.

Mr. Wharton nominated T. F. L. Barrett for Second Major of Artillery, who was duly elected.

The Executive Secretary presented the following messages from his Excellency the Governor.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—I transmit to your honorable Body, the copy of a letter received in my department, from the Commander-in-Chief, General Sam Houston. Your honorable body will see by the tenor of his communication the reasons and propriety of his request; and seeing myself that delays in the organization of the army would be dangerous, I confidently hope that everything consistent with your duties in that matter will be promptly attended to.

With sentiments, &c. &c.

I am Gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 8th, 1835.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—I hasten to lay before your honorable body a communication just received from the Commandant of Goliad. The documents will show for themselves, and you take such action on them as circumstances shall direct. The express carrier is in waiting.

With sentiments, &c. &c.

Your obedient servant,

HENRY SMITH, Governor.

December 8th, 1835.

On motion of Mr. Millard, the House took up the ordinance for establishing revenue districts, &c.; when

Mr. Millard moved to strike out all after the enacting clause; which was agreed to.

Mr. Millard then offered a substitute for the parts stricken out; which was adopted.

When the ordinance was ordered to lie on the table.

On motion, the Council adjourned to 3 o'clock. p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The Executive Secretary presented approved by the Governor,—

A resolution authorising the Commanding General to send one or more Agents to the United States with our Commissioners, &c.

On motion of Mr. Millard, the House took up the ordinance and decree establishing and imposing duties of impost and tonnage.

On motion of Mr. Ayres, the words "thirty" and "fifteen" were stricken out wherever they occurred in the ordinance.

Mr. Menifee moved to fill the blanks with "twenty-five" and "fifteen;" which was lost.

Mr. Clements moved to fill the blanks with "sixteen" and "twelve and a half;" which was lost.

Mr. Ayres moved to fill the blanks with the words "twenty;" which was lost.

Mr. Harris moved to fill the blanks with the words "twenty" and "ten;" which was agreed to.

Mr. Parker moved to add among the list of articles exempt from duty, "meat and bread stuffs;" which was agreed to.

Mr. Royall moved to add also to the list, "lumber of all kinds for building."

A division of the House was called for on the question, when the House being equally divided, the President gave the casting vote in favor of the amendment. So it was adopted.

On motion of Mr. Ayres, the two dollars, twelve and a half cents tonnage duty was stricken out, and one dollar and twenty-five cents inserted.

On motion, the Council adjourned to 7 o'clock, p. m.

#### SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

The Council resumed the consideration of the ordinance and decree, establishing and imposing duties of imposts and tonnage.

On motion, the ordinance was amended by incorporating with it, the provisions of the ordinance establishing revenue districts, &c.; when the rule of the House was suspended, and the ordinance read the third time, and the question taken on its final passage, and decided in the affirmative. So the ordinance passed by the following title:

"An ordinance and decree establishing and imposing duties of impost and tonnage, and for other purposes."

The Council took up the ordinance and decree for establishing revenue districts, &c; which, on motion, was indefinitely postponed.

Mr. Barrett, from the Committee on State and Judiciary, presented the following report:

Your committee to whom was referred certain proceedings of the people of Nacogdoches, relative to the several Land Offices of that department, and that of the political Chief &c., report that they have considered all the matters referred, and can find no reasons to alter the views reported by this Committee on the 4th inst.; as that report contains the true representation, as your Committee believe, of the objects, requirements, and duties contemplated in the 14th section of the plan of the Provisional Government, so far as land affairs are concerned. Therefore, that this House cannot legally pass any ordinance granting the power of making titles in any way, until the said 14th article is complied with, at least so far as that the papers and documents are under the control of the Officers of the Provisional Government; when this shall have been effected, your Committee have no further hesitation in advising that the several legal Commissioners of each Land Office, or some other person specially appointed, be authorised to proceed in completing all titles to land made for settlers on surveys, returned before the passing of the said 14th section. But in doing this, all proper guarantees against injustice or fraud should be carefully incorporated in the decree for such purpose.

In the mean time your Committee have confidence in assuring this Council, and the people at large, that neither the orders of the Convention or decrees of the Provisional Government have any other object or

effect, than in securing an equal and fair opportunity of all our citizens to obtain their landed rights; and although the time of perfecting titles may be extended, no acquired right or privilege either is or can be effected. The right exists unimpaired, while the bare legal form remains to be executed.

Your Committee advise that the papers and documents of the Political Chief of Nacogdoches Department, be committed to the hands and charge of the Commissioners, but not to be removed until the further directions of the Provisional Government; for the reason that many individuals might be subjected to great inconvenience by the removal, and no present necessity exists for doing so. The functions of the Political Chief are extinct. The provisions of the 14th section plainly point out the disposition of all municipal papers and archives. The late Judges will deliver their documents to their successors in office, appointed by the General Council, and the usual elections for the common offices of Ayuntamientos remain unchanged in character or incidents.

In conclusion, your Committee entertain very high respect for the general character for patriotism in the present difficulties of the citizens of the Nacogdoches Department, and their ready obedience to the laws of their country, and regret that any measure contemplated for the general good should operate severely upon individuals. But in the present case, your Committee can see no real cause of uneasiness or doubt in the minds of any of our citizens, forasmuch as the security of paper title is ideal against right, or in further securing absolutely vested rights.

It is an admitted fact, that the revenues of the country will be diminished for the present, by closing the Land Offices, and that it is inconvenient to the Government in the times of such pressing necessity. But your Committee regard this as the lesser evil, when no injustice can be the consequence, and great injury and injustice may ensue the opening of the Land Offices to all common transactions.

Your Committee recommend that another Commissioner be appointed to act with S. H. Everitt, as it is doubtful whether either of the other Commissioners will attend to their appointment, and that two shall be sufficient to perform all the duties contemplated by the 14th section of the organic law; and while upon this subject, your Committee would respectfully name to this House, Arthur Henrie, whose character and qualifications render him a very fit person to exercise the trust and execute any future orders, in conjunction with Mr. Everitt, as may originate from the Provisional Government for their direction.

D. C. BARRETT, Chairman.

D. PARKER, Committee.

The foregoing report was adopted.

Mr. Barrett presented the following resolution; which was adopted:

Resolved, that John Forbes be and he is hereby appointed a Commissioner in place of John Leplessier, for carrying into effect the 14th section of the organic law of the Provisional Government, and that a majority of the said Commissioners shall have full power to act, and that the papers and archives of the Land Offices and of the Political Chief be placed by the said Commissioners into the hands of John Forbes and Arthur Henrie, subject to the orders of the Provisional Government, and that Arthur Henrie be and is hereby appointed a Col-

lector of dues on lands, giving the necessary securities for faithful performance approved by said Commissioners.

Mr. Barrett presented a petition from John J. Linn, for liberty to make reprisals for losses sustained; which was referred to the Committee on Finance.

The communications from General Houston and P. Dimit, which accompanied the Governor's Message this morning, were referred to the Committee on Military Affairs.

On motion of Mr. Royall, a Committee of two were appointed to wait on the Governor and learn what disposition had been made of the resolution for fitting out General Mexia and his command.

Messrs. Royal and Parker were appointed that Committee.

Mr. Parker presented the following resolutions; which were adopted:

Resolved, That the thanks of this House be tendered to Major Henrie of Nacogdoches for the great labor bestowed in making a schedule of the surveys of land returned to his Office, and bestowing the same gratuitously for the use of the Provisional Government of Texas.

Resolved, That said schedule be deposited in the Executive Office, for the benefit of Texas.

Mr. Hanks presented the following resolution; which was adopted:

Resolved, That the Governor be and he is hereby directed to instruct our Foreign Agents to purchase seven hundred barrels flour, instead of three hundred and fifty barrels, required in the ordinance providing supplies for the army.

Mr. Harris presented the following resolution; which was adopted:

Resolved, that the Governor be directed to instruct the Commissioners to the United States to contract with one or more Bakers, for and on account of the Government, to proceed to this place or the Seat of Government, and report themselves to the Governor.

Mr. Royall, from the Committee appointed to wait on the Governor, reported verbally that they had discharged that duty and that the Governor would return the resolution with his views on the same to-morrow.

On motion, the Council adjourned until 9 o'clock, to-morrow.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 9, 1835. }

NINE O'CLOCK, A. M.

The Council met on the call of the President, who submitted to the House a letter received by express from B. R. Milam and Edward Burleson, respecting the attack upon Bexar, on the morning of the 6th inst. asking for supplies of ammunition and reinforcements of men; after the reading of the letter,

On motion of Mr. Royall, it was resolved that the Governor be requested to issue his proclamation calling for volunteers, to proceed to the assistance of the army before Bexar.

A Committee of three, consisting of Messrs. Royall, Hanks and Clements, were appointed to procure what powder and lead there are in town, and forward to the army immediately.

A Committee of three, consisting of Messrs. Power, West and Kerr,

were appointed to dispatch expresses to different sections for volunteers and ammunition.

A Committee of four, consisting of Messrs. Parker, Meniffee, Millard and Harris were appointed to procure expresses and horses, &c.

On motion, the Council adjourned to 9 o'clock, a. m.

NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The reading of the journal was postponed until to-morrow.

The Executive Secretary presented approved by the Governor,

An ordinance and decree for raising an auxiliary volunteer corps, &c.

Mr. Millard, from the Committee on Enrollments, presented as duly Enrolled,

A resolution authorising John Forbes and Arthur Henrie to take charge of the Archives of the Land Offices, &c. in Nacogdoches.

Two resolutions, directing the Governor to give certain instructions to our Foreign Agents.

On motion of Mr. Royall, the Council went into Secret Session, and after some time spent therein, the doors were opened.

The President laid before the Council a communication from James Chaplain and H. McHanks, on the situation of the army; which was read and ordered to lie on the table.

Mr. Clements, by leave, introduced an ordinance and decree for the relief of Bartolome Pajes; which was read the first time.

On motion of Mr. Kerr, the rule of the House was suspended, and the ordinance read the second and third time; when the question was taken on its final passage and decided in the affirmative. So the ordinance passed.

Mr. West presented the following resolution; which was adopted:

Resolved, that the Committee of Safety of Liberty be requested to forward to this place, for the use of the Provisional Government, all the ammunition in their possession.

The Executive Secretary presented the following message from his Excellency the Governor.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable President and Council:*

GENTLEMEN:—I herewith transmit to your honorable body the following bills; which I have had under consideration:

The one authorising persons to be appointed to make provisions for General Mexia, &c. The bill, as it stands, I can not approve for the following reasons:

First—I have no confidence in General Mexia co-operating in the smallest degree in our favor. That his intention to make a descent on the sea-ports West of us, for the purpose of robbing, to reconstitute his own desperate fortune, I have no doubt, but can see no possible advantage he would be to Texas. What his designs or intentions really are, I have no right to know. But really think it would be unwise to run this Government to the expense necessary to fit him out, without having any guarantee or control over him or his conduct. Furthermore, as the bill runs, it would seem that the outfit would be made before this Government

would be advised of his plans. Besides, I consider it bad policy to fit out or trust Mexicans in any matter connected with our Government, as I am well satisfied that we will in the end find them inimical and treacherous. For these and many other reasons not enumerated, I can not sign the bill. Three other bills which I have transmitted to you I have approved.

With sentiments, &c., &c.,

I am Gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 9, 1835.

The Council proceeded to consider the resolution returned by the Governor, viz: "A resolution authorising William Pettus and T. F. McKinney to fit out General Mexia and his command." The resolution together with the objections were read; when the question was put: "Shall this resolution pass, the veto of the Governor to the contrary notwithstanding?"

The ayes and noes being desired, stood as follows:

AYES.—Messrs. Menifee, Barrett, Clements, Parker, Millard, Harris, Hanks, Royal, Kerr, West, Padilla, Power, Westover. Ayes 14.

So the ordinance was passed by a constitutional majority.

Mr. Millard from the Committee on Enrollments, presented as duly Enrolled,—

An ordinance and decree for the relief of Bartolome Pajes.

Mr. Barrett presented the account of Don Juan Seguin, for supplies for volunteers; which was referred to the Committee of Finance.

On motion the Council adjourned to 9 o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 10th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of the proceedings of the 8th and 9th inst. were read.

The Executive Secretary presented approved by the Governor, an ordinance and decree to provide for the outfit and contingent expenses of our Foreign Agents to the United States of the North.

Mr. Millard presented the following resolution; which was ordered to lie on the table.

Resolved, that the General Council is incompetent to act in any way upon the appointment of William H. Wharton, as commissioner to the United States of the North, and that this Council can only expect Mr. Wharton to fulfil the appointment made by the General Consultation.

Mr. Menifee submitted a letter from Mosely Baker, Esq. respecting the situation of the volunteer army; which was read.

On motion of Mr. Barrett, Col. Rusk was invited within the bar to give his views respecting the situation of the volunteer army. Col. Rusk explained at length the situation of the volunteers, and urged upon the Council the necessity of their being relieved immediately.

On motion of Mr. Barrett, it was resolved, that a committee of three be appointed to prepare an address to the people on the subject.

The President appointed Messrs. Barrett, Royall and Millard that committee.

On motion of Mr. Barrett, Col. Rusk was requested to assist the committee in preparing the address.

On motion of Mr. Barrett, the Council proceeded to consider the ordinance and decree for altering and changing the manner of drawing drafts on the Treasurer, returned by the Governor on the 6th inst. with his objections. The ordinance and the objections having been read, the question was taken. Shall this ordinance now pass, the veto of the Governor to the contrary notwithstanding?

The ayes and noes being demanded, were as follows:

AYES—Messrs. Menifee, Barrett, Parker, Millard, Harris, Hanks, Kerr, West, Padilla, Powers, Ayers, Westover.—12.

NOES—Messrs. Clements and Royall.—2.

So the ordinance passed by a constitutional majority.

Mr. Harris presented the following resolution; which was adopted:

Whereas the Provisional Government of Texas, have received information of which there is no doubt, that the enemy have large reinforcements on the road to our frontiers, with whom there is forty thousand dollars in money, and if the same is not cut off, or prevented from uniting with the forces now at Bexar, our small but patriotic army will be compelled to retire, being overpowered by four times their numbers: therefore, be it resolved by the General Council of the Provisional Government of Texas, that General Mexia be, and he is hereby invited, together with the brave officers and men under his command, to repair immediately to Bexar by the way of Goliad, and there co-operate with the volunteer army of the people.

Resolved, that an express be dispatched immediately to General Mexia, with a copy of this resolution.

Mr. Powers tendered his services to wait on General Mexia with the resolution.

Mr. Royall presented the following resolution; which was adopted:

Be it resolved, That the services of Col. Power be accepted, and that he be requested to repair immediately to Velasco, or any other point, and wait on General Mexia, with a copy of the resolution passed this day, requesting General Mexia to proceed to Bexar, and to accompany the expedition and extend all the aid in his power, with authority to draw on this Government for any amount of money necessary in forwarding the objects of said resolutions.

On motion, the Council adjourned to 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Parker, from the select committee appointed to provide expresses for the army, &c.; presented the following report:

Your committee to whom was referred the duty of preparing horses for expresses to the army now at Bexar, report, the riders for the express being provided for, only a horse to pack the ammunition was wanting, which lack was supplied by Doctor Charles B. Stewart, in the liberal and prompt tender of his horse, (an excellent good one,) which was ac-

cepted, and the horse instantly put in service. A plain Spanish saddle for packing was got from Johnson and Winborn, for the same purpose.

D. PARKER, Chairman.

The foregoing report was accepted.

Mr. Hanks stated that Mr. Hoxie resigned his seat in the Council. The resignation was accepted.

On motion of Mr. Hanks, it was resolved that the Governor be notified of the vacancy occasioned by the resignation of Mr. Hoxie, and that he be required to give notice to Asa Mitchell of Washington, that his attendance is required in the Council.

The President stated that Mr. Wharton resigned his seat in the Council; which was accepted. When it was resolved that the Governor be notified of the resignation, and notify Edwin Waller of Brazoria that his attendance is required in this Council, to supply the place of Mr. Wharton.

Mr. Barrett, from the select committee to prepare an address, &c., reported the following address and resolutions:

*To the people of Texas:*

We, the undersigned, having been appointed by the General Council of Texas, a committee for the purpose of drafting an address to you, and preparing resolutions on the subject of our gallant army now before Bexar, approach this subject with great diffidence, and under a full view of the deep responsibility which rests upon us, in the discharge of this important duty.

It is not necessary for us to go back and trace the causes which have led us in the defence of our constitutional rights, into the present war with the minions of a tyrant. It is sufficient that we are now in the war, and that a noble and heroic band, composed of our fellow citizens, and disinterested patriots from the United States of the North, are now in an exposed and critical situation, before the walls of a strong fortress of the enemy, and have, as you will see by the accompanying letter, (the letter of B. R. Milam and Edward Burleson, of December 6th,) made an appeal to you through this Council, for ammunition and reinforcements. They are contending without the necessary munitions of war, and without the usual comforts extended to armies, against a force more than equal in number to them, and who are well supplied with ammunitions and strongly fortified. And from information of a positive character in our possession, the enemy will be, if they have not been already reinforced by large numbers. If your army is not immediately reinforced, they will be forced to retreat or be slaughtered. Will you abandon this army, who have marched to the field of danger at the first tocsin of alarm? Will you give the enemies of the constitution, and the hireling slaves of a tyrant, the first victory?—Will you destroy the last hopes of the "Liberals" of the Mexican Republic? Will you disappoint the expectations of your friends? Will you compromise your own honor? Will you expose the defenceless women and children of the frontier to the ravages of an enemy, whose only check to their conduct, is the extent of their power? No, you will not! Rise up, then, with one accord, and shoulder your rifles, march to the field of battle, and teach the hire-

lings of a tyrant that they can not battle successfully with citizen freemen.

Contractors have been dispatched in different directions, and supplies and ammunitions are on their way to the army. We therefore propose the following resolutions:

D. C. BARRETT, Chairman:  
R. R. ROYALL,  
HENRY MILLARD, } Committee.

Be it resolved by the General Council of the Provisional Government of Texas, That it is most earnestly and urgently recommended to our fellow-citizens, promptly to volunteer and repair to the camp before Bexar, to unite with the citizen army now there, in saving our country from a long and bloody war by the speedy reduction of that post.

Be it further resolved, that, J. W. Fannin, junior, and Thomas J. Rusk be appointed, and they are hereby appointed by the General Council aforesaid, forthwith to proceed, the one upon the east side of the Trinity, the other upon the west side, for the purpose of collecting reinforcements, and have them enrolled for service thirty days, in separate corps, for aiding in the reduction of Bexar: Provided, that each corps shall elect its own officers in number according with the regular army, and all be under the direction of the volunteer commander in the field: And also provided, that the said volunteers shall receive the same pay and immunities as the most favored soldiers of the country.

Be it further resolved, that the aforesaid J. W. Fannin, jr., and Thomas J. Rusk, be and are hereby constituted agents or contractors for supplying ammunitions, provisions and other necessaries for carrying into effect these resolutions, and they or either of them are hereby vested with full powers, to purchase any and all articles necessary for said volunteers, upon the faith of the Provisional Government, or if not otherwise to be procured to take such articles, and to press horses, teams, waggons or vessels for transportation, into the public service, giving receipts or appraisements for all such takings or empressments, and the said agents may appoint public store keepers and sub-agents at their discretion, and issue to the troops so volunteering, as they may deem necessary and to the interest of the Government, in all cases taking the proper vouchers for their acts.

Be it further resolved, that the said agents or contractors shall keep the Council regularly advised of their proceedings and of whatever in their opinion may be required of the General Council, to give aid and comfort to all the brave volunteers now in the field, in their country's service.

Be it further resolved, that the preceding report and resolutions be printed and circulated throughout Texas.

Resolved, that this House appoint the following persons to act in concert with Col. Fannin for carrying into effect the objects of the above resolutions.

For Cole's Settlement,	H. Chriesman.
“ Washington,	John Lott.
“ New Years Creek,	Philip Coe.
“ Mill Creek,	Samuel Pettus.
“ San Felipe,	Mosely Baker.

“ Colorado,	}	J. S. Lester,
		Jesse Burnham,
“ Navidad and Labacca,	}	William Thompson,
		Elijah Stapps,
“ Menifee,	}	A. McCair.
		Thomas Rabb.
“ Fort Settlement,		Randall Jones.
“ East of Brazos,		W. Walker.
“ Lake Creek,		James J. Foster.
“ Harrisburg,		E. Matther.
“ Columbia,		W. D. C. Hall.
“ Brazoria,		J. L. D. Byrom.
“ Bay Prairie,	}	Daniel Rawl,
		R. H. Williams.
“ Gonzales,		William A. Matthews.
“ Spring Creek,		Abram Roberts.
“ Mina,		L. C. Cunningham.

The foregoing report and resolutions having been read, were adopted.

On motion of Mr. Royall, it was resolved that an express be dispatched, immediately after the printing of the address and resolutions, to Col. Fannin, and request his immediate attention.

Messrs. Parker and Royall were appointed to fit out the express.

Mr. Barrett presented the account of Juan Jewett; which was referred to the committee on finance.

On motion the Council adjourned to 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Millard presented the following resolution; which was adopted.

Resolved by the General Council of the Provisional Government of Texas, That the Treasurer of the Provisional Government be authorized, and is hereby required to draw on Messrs. McKinney and Williams, in favor of Messrs. Baker and Bordens, for the sum of five hundred and ninety-three dollars and seventy-five cents, taking duplicate receipts for said account, said amount being for printing done for the Provisional Government, as per bill rendered, passed and allowed by the General Council.

Mr. Millard asked leave to withdraw the report of the committee of finance, on the account of M. M. Stephens and Thomas Bray; which was laid on the table, November 18th. Leave was granted.

Mr. West from the select committee to dispatch expresses, presented the following report:

Your committee whose duty it was to dispatch expresses to different sections of the country for volunteers, and ammunition for the immediate relief of the army of the people, now before Bexar, respectfully report, that we have prevailed with Doctor Hoxie to proceed to the town of Washington, to forward on immediately fifteen kegs of powder and some lead, the quantity not known, and that Doctor J. H. Forsyth has started to Liberty and Beaumont for ammunition. That your committee has been informed that there is at the former place, eight kegs of powder and some lead, and six or eight kegs of powder and some lead

at the latter place; all of which we have no hesitation in saying will soon be on the road to Bexar. And your committee further state, that the above named gentlemen will get as many volunteers as possible, to march forthwith to Bexar.

C. WEST, Chairman.

The foregoing report was accepted.

On motion of Mr. Barrett, the House proceeded to consider the two reports from the select committee, respecting a convention laid on the table on the 7th inst.; after some discussion, the report of the majority, and the resolutions for calling a convention to meet on the first of March, 1836, were adopted and passed.

Mr. Millard from the committee on enrollments, reported as duly enrolled, "a resolution authorizing the Treasurer to draw on McKinney and Williams in favor of Baker and Bordens."

Mr. Hanks, from the committee on military affairs, presented the following report:

Your committee, to whom was referred the letter of Capt. P. Dimit, together with the intercepted circular from Matamoras, and the letter of the late commandant at Le Pantiolan, have had the same under consideration, and the information given to us from the communications, are of such an important nature as to require immediate action of the General Council.

Your committee would recommend the importance of strengthening the position occupied by Capt. Dimit at Goliad, by sending reinforcements immediately to his aid, were it not that the volunteer army of the people of Texas, requires all the men and ammunition that can be raised, in order to sustain them in their present position before Bexar. It is important for the safety and protection of Texas to keep possession of the military post at Goliad. And from the last communication received from the volunteer army near Bexar by express, informing us that three hundred of our troops had taken possession of a part of San Antonio, and were in want of men and ammunition to sustain the position they had gained, and that the central troops under the command of General Cos were daily expecting a large reinforcement under the command of Col. Ugartechea. Therefore, your committee is of opinion that Capt. Dimit need not apprehend any danger of an attack by the superior number of central troops under command of Col. Ugartechea at present.

Agents have been dispatched to New Orleans for the purpose of purchasing and forwarding as early as possible, provisions and supplies for the army. All that your committee can recommend for the relief of Captain Dimit in the present emergency, is the adoption of the following resolution:

Be it resolved by the General Council, that John Fagan be, and he is hereby appointed a commissary, and that the said commissary be and he is hereby authorized and empowered to purchase provisions and such supplies, as the company of troops under the command of Capt. Dimit at Goliad requires; and that orders be drawn upon the Provisional Government for the same by said commissary: Provided nevertheless, said provisions cannot be purchased, the said commissary be, and he is hereby authorized to press the same for the use of said troops.

Be it further resolved, that a certified copy of this report and resolutions, and of the communication last received from the commander of

the volunteer army before Bexar, be furnished by the Secretary of the General Council and forwarded to Capt. Dimit, commandant at Goliad, and also a copy of the resolution inviting General Mexia to co-operate with the volunteer army of the people near Bexar, by way of Goliad.

WYATT HANKS, Chairman.

J. D. CLEMENTS, }  
R. R. ROYALL, } Committee.

The foregoing report and resolutions having been read, were adopted. Mr. Barrett submitted a communication from Hugh Frazer, in prison at Goliad; when the following resolution was adopted:

Resolved, that Capt. Dimit be directed to discharge Mr. Frazer, or to send him to this place, with the charges against him.

On motion, the Council adjourned to 9 o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 11th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The Journals of yesterday's proceedings having been read, Mr. Royall presented as duly enrolled,

An ordinance and decree establishing and imposing duties of imposts and tonnage, and for other purposes."

Mr. Millard from the committee on enrollments, presented as duly enrolled,

A resolution for calling a convention to meet on the first day of March, 1836.

By leave, General Houston submitted a proclamation, which he was about to issue; which was read and approved.

On motion of Mr. Barrett, it was resolved, that the committee on military affairs be instructed to prepare a supplemental ordinance increasing the bounty of soldiers of the regular army to 800 acres of land, and 24 dollars in money, one half to be paid when mustered into service, and the other half three months after.

Mr. Barrett presented as duly enrolled,

The ordinance and decree establishing a post office department, together with an additional section, fixing the compensation of the Post Master General; which was adopted as part of the ordinance.

Mr. Millard moved that Messrs. Barrett and Padilla be added to the committee appointed some days since, to draft an address to the Mexican people, which was agreed to.

On motion of Mr. Millard, it was resolved, that the Council will this evening, at half past six o'clock, proceed to elect the company officers for five companies of artillery of the regular army, and also the municipal officers of San Patricio.

Mr. Harris, from the committee to prepare an address to the Mexican people, reported an address in the Spanish language prepared by Mr. Padilla, of which the following is a translation:

*The General Council of the Provisional Government of Texas to the Mexican people.*

The people of Texas have taken up arms in defence of their rights and liberties, menaced by the attacks of military despotism, and to sustain the republican principles of the constitution of 1824. The Mexican nation ought to be fully informed on this subject, in order to correct the falsehoods circulated by the Centralists, who have attempted to calumniate the Texians by giving to the revolution here, a character very different from the true one, and painting it in the blackest colors.

Texas has solemnly declared her principles in the declaration of the 7th November last, made by its representatives, and has called God to witness the sincerity and purity of her intentions. The people of Texas could not have acted in any other manner, and every freeman would have done the same who appreciates his own dignity and was able to resist slavery.

Texas was left without any government, owing to the imprisonment and dispersion of the Executive and Legislative authorities of the state by the military Centralists, and every thing was rapidly falling into anarchy and ruin. It certainly was not the fault of the Texians that this state of things existed. They were living in peace when the revolutionary flame reached their homes, their situation may be compared to that of a peaceful village that is suddenly assailed by a furious hurricane, which menaces ruin and death, from which the inhabitants seek safety by any means in their power, without being in any manner censurable for the impending danger, nor for trying to shield themselves from its effects. The truth is, that a storm which originated elsewhere, threatened to involve them in its desolating ravages. They wish to save themselves as they have a right to do, by the law of nature.

Faithful to their oaths, they wished to defend the constitution, and for this their enemies have declared a war of extermination against them, and are trying to deceive the liberal Mexicans with false reports that their objects are different from those expressed in the before-mentioned declaration. God knows this to be a malicious calumny, circulated for the purpose of consolidating centralism, by trying to unite the Federalists in its ranks against their friends the Texians.

Very dearly indeed have the Texians acquired their homes in this country, which but a short time since was a wilderness infested by hostile indians. It is just and natural that they should wish to preserve them, in conformity with the guarantees of the Federal compact under which they were acquired. It is equally so, that they should obey the first law which God has stamped upon the heart of man civilized or savage, which is self-preservation.

The Texians have therefore taken up arms in the defence of their constitutional rights, in fulfilment of their duties to the Mexican confederation and of the most sacred obligations to themselves.

They have organized a Provisional local Government, to provide for their security as a part of the Mexican confederation should it again be re-established. Can it be possible that the whole nation will declare war against us because we wish to comply with our obligations in favor of the constitution, and because we wish to defend the rights which God has given to man, and which the Mexican nation has solemnly guaran-

teed to us? No, it cannot be believed. The free Mexicans are not unjust, and they will take part in our favor.

To arms then patriotic Mexicans. The Texians although a young people, invite and call you to the contest which is the duty of all to sustain against the perjured centralists, separate as we have done from the Central Government, and declare eternal war against it, let us sustain the federal compact, restore the federal system and firmly establish the liberties and happiness of our country. In this great work you will receive aid and assistance from the Texians, so far as their limited resources will permit, as they have offered in the second article of their declaration.

The foregoing address having been read, it was resolved that it be signed by the officers of the Council, and all the members present, and that 500 copies be printed in Spanish, and 200 copies in English.

When it was signed as follows:

D. C. Barrett,  
William Menifee,  
Claiborne West,  
J. D. Clements,  
Wyatt Hanks,  
Henry Millard,  
Daniel Parker,  
E. M. Pease, Secretary.

James W. Robinson, Lieut. Gov.  
and Ex Officio of G. Co'l.  
William P. Harris,  
J. A. Padilla,  
James Power,  
James Kerr,  
Ira Westover,  
L. Ayres,  
R. R. Royall.

Mr. Barrett presented the following resolution; which was adopted unanimously:

Resolved by the General Council of the Provisional Government of Texas, That our highly esteemed and patriotic fellow-citizen, General Stephen F. Austin, being again about to leave his country, to subserve her interests, and give a higher tone to her destinies in the land of our nativity, as the friend and public agent of Texas, that the grateful respects of this Council for themselves and in behalf of their fellow citizens of Texas, be tendered to General Austin, and that in rendering this just tribute of affection, we are impressed with a deep sense of his past sufferings and privations, while laboring in our case and for our good in the city of Mexico, and sympathise in his afflictions and almost broken constitution, consequent upon a long and painful confinement, for boldly standing forth for the rights of Texas, in the strong hold of her oppressor, and that we congratulate our country in being possessed of such an agent to represent us among the free sons of the North, in whose aid we repose our strongest hopes, in our present conflict for freedom and existence, and that we extend to him the hand of parting love and greeting, with hopes of his success and speedy return to the bosom of his grateful countrymen: And that a copy of this resolution, signed by the officers and members of the General Council be presented to General Austin before he departs from us to accomplish the wishes and hopes of his friends.

The foregoing was signed and presented to General Austin.

On motion the Council adjourned to 3 o'clock p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The Executive Secretary presented the following message from his Excellency the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN—I herewith transmit to your honorable body a communication from Capt. Dimit, commander of the volunteer forces at Goliad, with an order annexed in favor of the person therein named. The document will shew for itself, and your body will make such disposition of it as the circumstances of the case may require.

Respectfully,

Gentlemen,

Your obedient servant,

HENRY SMITH,  
Governor.

Austin, Dec. 10th, 1835.

The letter alluded to in the above message, was referred to the committee on finance.

The House took up the ordinance and decree regulating the Treasury, and directing the course to be pursued with accounts thereon; which was read the second time, when on motion of Mr. Clements, the ordinance was committed to a select committee of three.

Messrs. Clements, Royall and Parker were appointed that committee.

Mr. Millard from the committee on finance, made a verbal report, recommending that Thomas Bray's account for twenty-six dollars and seventy-five cents, and the balance of M. M. Steven's account, forty-three dollars, be allowed; which report was accepted.

Mr. Millard presented the following resolution, which was adopted:

Resolved, There shall be appointed by the President, a standing committee of public accounts, to consist of one member from each of the principal standing committees, except the committee of finance, with the chief clerk of the state and judiciary and finance committees, who shall act as clerk or secretary of said committee of public accounts.

It shall be the further duty of said committee to receive, audit and register said accounts, entering in a book to be purchased for that purpose, the title and amount of said accounts, in such a manner as to show their situation, at any particular time, whether passed, rejected or under consideration, and report upon the same to the Council, as often as twice in every week, say Wednesday and Saturday.

Messrs. Royall, Parker, West and Kerr were appointed that committee.

Mr. Menifee was appointed to the standing committee on state and judiciary.

The resolution offered by Mr. Millard and laid on the table yesterday, was taken up and amended so as to read as follows, when it was adopted:

Resolved, That this Council is incompetent to act in any way on the appointment of William H. Wharton, as commissioner to the United States of the North.

Mr. Kerr presented the following resolution; which was read and laid on the table:

Resolved, That there shall be appointed by the General Council, one Judge Advocate General, for the armies of Texas, with the rank, pay and emoluments of Colonel in the line, whose duties shall be the same as that of Judge Advocate General, in the United States of North America, in time of war.

The House then proceeded to consider the ordinance and decree, granting a bounty in land to certain volunteers in the army of the people of Texas.

Mr. Parker offered an additional section to the ordinance; which was rejected.

The ordinance was then read a third time, when the question was taken on its final passage and decided in the affirmative. So the ordinance passed.

On motion, Messrs. Kerr and West were appointed a committee to wait on the Governor and request him to return to this House, an ordinance and decree establishing and imposing duties of imposts and tonnage, and for other purposes, for the purpose of filling a blank which was neglected on its passage.

On motion, the Council adjourned to half past six o'clock, p. m.

HALF PAST SIX O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Kerr from the committee appointed to wait on the Governor, reported verbally that they had discharged that duty, and presented the ordinance to the House.

On motion of Mr. Barrett, the blank in the ordinance was filled with 10,000 dollars.

Mr. Hanks from the select committee appointed to procure and forward ammunition to Bexar, presented the following report:

The committee who was appointed to purchase and procure ammunition for the volunteer army of the people before Bexar, respectfully reports, that the following quantity of lead and powder has been obtained for their use.

Bought of Joseph Urban, 2 kegs Dupont's powder at fifteen dollars each, \$30 00

Bought of Jones & Townsend, 1 keg gunpowder, 14 00

“ of Joshua Fletcher, 1 keg gunpowder, 14 00

And a part of a keg of gunpowder was presented to the Government of Texas, as a donation by Mr. Schuyle, and 16 pounds of lead.

Received also of John B. Johnson, 12 pounds of powder, for which he has presented no account.

Your committee represents unto the General Council that the foregoing quantity of powder and lead has been sent as was directed, to the volunteer army before Bexar, by Dr. Farley and Thomas McDonald with the exception of the half keg presented by Mr. Schuyle, which remains subject to your orders.

WYATT HANKS, Chairman.

The foregoing report was accepted.

Mr. Barrett presented the account of Joseph Grimes, which was referred to the committee of finance.

The resolution presented by Mr. Kerr and laid on the table this afternoon respecting the office of Judge Advocate General, was taken up and passed.

On motion, the Council went into secret session on the election of certain officers agreeably to resolution, and after some time spent therein, the doors were opened, when so much of the proceedings as relates to elections was ordered to be entered on the public journals, and was as follows:

On motion, the House proceeded to elect collectors for the several Ports of Texas.

On the nomination of Mr. Millard, Samuel Rogers was elected Collector for the Port of Sabine.

Mr. Harris nominated George M. Patrick for Collector of the Port of Galveston.

Mr. Barrett nominated William P. Harris, when proceeded to ballot, and William P. Harris was duly elected Collector for the Port of Galveston.

Mr. Hanks nominated William S. Fisher for Collector of the Port of Brazos; who was duly elected to that office.

Mr. Royall nominated George M. Collingsworth for Collector of the Port of Matagorda, who was duly elected.

Mr. Clements nominated Edward Gritton for Collector of the the Port of Copano; who was duly elected.

Lewis Ayres and John J. Lynn were put in nomination for Collector of the Port of La Vaca; when the ballots were counted, there were for

Lewis Ayres	-	-	-	-	-	-	-	6 votes.
John J. Lynn	-	-	-	-	-	-	-	5 votes.

Whereupon Lewis Ayres was declared duly elected Collector for the Port of La Vaca.

The House then proceeded to elect a Post Master General.

On the nomination of Mr. Barrett, John R. Jones was unanimously elected Post Master General.

The House then proceeded to ballot for five captains of artillery, when George W. Poe, Robert L. Morris, James S. Lester, John A. Veatch and James Cheshire were duly elected.

The House then proceeded to ballot for five first lieutenants of artillery; when Joseph Bonnell, A. H. Jones, Benjamin C. Wallace, Samuel G. Hanks and Francis White, were duly elected.

The House then proceeded to ballot for five second lieutenants of Artillery; when Ashmore Edwards, Thomas J. Stansbury, John W. Bunton, Monroe Edwards and Dugald McFarland, were duly elected.

The House then proceeded to ballot for five third lieutenants or artillery; when Pryor Bryan, John P. Borden, George Scott, Preston Savory and Robert L. Redding, were duly elected.

The House then proceeded to elect a Judge Advocate General, under the resolution passed this day.

On the nomination of Mr. Hanks, D. C. Barrett was unanimously elected.

The House then proceeded to elect Judges and Commissioners for organizing the militia for the municipality of San Patricio.

On the nomination of Mr. Ayres, James McGlowan was elected First Judge and John Turner was elected Second Judge for the municipality of San Patricio.

On the nomination of Mr. Ayres, John Turner, John Glowan and Daniel A. Boyle were elected Commissioners for organizing the militia for the municipality of San Patricio.

On motion of Mr. Barrett, 250 copies of the proclamation of General Houston, were ordered to be printed for the use of the Council.

On motion, the Council adjourned to 9 o'clock, to-morrow morning.

E. M. PEASE, Secretary.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 12th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday was read.

On motion of Mr. Millard, so much of the secret session, up to this date, as relates to the election of officers, was ordered to be spread upon the public journals of the Council, when written out.

Mr. Millard, from the committee on enrollments, presented as duty enrolled,

An ordinance and decree, granting a bounty in land to certain volunteers in the army of the people of Texas.

A resolution authorizing Colonel Powers to aid in fitting out General Mexia.

A resolution requesting General Mexia and his command to repair to Bexar, &c.

The Executive Secretary presented, approved by the Governor, "an ordinance and decree establishing and imposing duties of imposts and tonnage, and for other purposes."

Mr. Ayres verbally tendered his resignation as a member of this Council, from San Patricio, which was accepted.

On motion of Mr. Barrett, Mr. McMullin was admitted as a member of this Council from San Patricio, in place of Mr. Ayres. Mr. McMullin having taken the oath prescribed by the organic law, took his seat as a member of the Council.

Mr. McMullen was appointed to the committee on finance.

On motion of Mr. Westover, resolved, that we forthwith go into the election of one third lieutenant of artillery, and one second lieutenant of infantry, to fill the vacancies occasioned by the promotion of lieutenants Poe and Wallace.

Mr. Harris nominated Nathaniel J. Dobie, and Mr. Westover nominated Walter Lambert, for third lieutenant of artillery.

The ballots being received and counted, there were for Walter Lambert, seven votes, and for Nathaniel J. Dobie, five votes: whereupon Walter Lambert was declared duly elected third lieutenant of artillery.

Mr. Clements nominated Henry Fisher for second lieutenant of in-

fantry; when the rule was suspended, and Henry Fisher was unanimously elected second lieutenant of Infantry.

The President submitted the following letter from General Austin, in reply to the resolution passed by the House yesterday.

SAN FELIPE DE AUSTIN, }  
December 11th, 1835. }

GENTLEMEN:—

I have received, with the most lively emotions of gratitude, the resolution passed by the honorable Council this day, expressing its respect for my acts as the public agent for Texas, to Mexico in 1833, and kind wishes for my health and success on the important mission to the United States. Nothing but obedience to the call of the Representatives of the people, which is due from every citizen when the country is in danger, could have induced me to leave here at so critical a time as this, or to have seperated from the volunteer army. A crisis has arrived in the affairs of Texas. I am of opinion that the people ought to form a constitution, and organize a permanet Government without delay, in conformity with the declaration of the seventh of November last, especially with the fifth article, and without making any change in the principles of that declaration. This can only be done by a Convention of Texas, elected on the basis of equality of representation so far as possible to obtain it.

I must take this occasion to express my thanks for the measures lately adopted to sustain the volunteer army now in the field, and also for the aid which has been given to the native Mexican forces of the federal party, in conformity with the second article of the declaration of the seventh of November last. I consider these measures to be the most important that could have been adopted at this time.

With the highest respect, and the most ardent wishes for the prosperity and happiness of our country, under a constitutional and permanently organized Government, I have the honor to present my best wishes for the health of the members of the Council, individually.

And to remain their most

Obedient servant,

S. F. AUSTIN.

To the President and Members  
of the Honorable Council.

On motion of Mr. Harris, resolved, that a copy of the resolution, together with General Austin's reply, be furnished the printers of the Telegraph, for publication.

Mr. Royall offered a resolution for establishing correspondence with agents in the United States; which was referred to a select committee of three.

Messrs. Royall, Barrett and McMullen were appointed the committee.

Mr. Hanks offered the following resolution; which was adopted:

Be it resolved by the General Council, that the Secretary of the General Council be, and is hereby required to furnish the commander-in-chief of the regular army of Texas, with a list of the officers elected for the regular army, and their place of residence; said place of residence to be ascertained as nearly as possible from the member or members of the General Council recommending them, and a list of all the contractors,

where and when appointed, together with a copy of all the ordinances and decrees relating to the regular army, and auxiliary volunteer corps.

Mr. Hanks offered the following resolution; which was adopted:

Resolved, that when any uncertainty as to the rank of officers of the regular army of the same grade shall arise, seniority of rank shall be determined by drawing numbers; which shall be done by order of the commanding general, agreeably to the provisions of the section of an ordinance and decree, entitled an ordinance and decree to organize and establish an auxiliary volunteer corps to the army of Texas, &c.

On motion of Mr. Parker, the House took up the resolutions offered by him a few days since, authorizing the commanding general to receive at least five thousand volunteers, and to fix his head quarters; when the second resolution was stricken out, and the following substituted:

Resolved, that the Governor be required to issue his order to the commanding general of the army of Texas, to remove his head quarters to Washington until further orders; when the resolutions were passed.

On motion of Mr. Clements, resolved, that a special committee of three be appointed by the General Council, to ascertain why the proceedings of the consultation, and General Council have not been published, also what progress has been made in printing them, and report instantler.

Messrs. Clements, Hanks and Harris were appointed said committee.

The Executive Secretary presented the following message from the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—

I transmit to your body various bills, which I have considered and signed.

The one with resolutions requiring me to communicate with the committee at the city of Mobile, for the purposes therein named, I have not as yet complied with, nor am I at present in a situation to do so promptly; as my health is bad and my situation quite uncomfortable, but hope in a few days to be better situated to discharge the functions of my office. I have signed the revenue, post office and many other bills and resolutions of minor importance, all of which I transmit to you, with one to call a convention, not approved, inasmuch as I consider it in some degree exceptionable. My objections are confined to the third and seventh articles, and are these.

That the Mexican population within our limits, particularly where they are unmixed with other population, could not be tested at an election to know whether they were in favor of centralism or not, that being the touch stone for elligibility. Under existing circumstances, I consider one fact plain and evident, that they who are not for us must be against us. In my own opinion they should be so considered and treated.—Actions always speak louder than words, and a very great proportion of the inhabitants of Bexar afford fair examples. They have had, it is well known, every opportunity to evince their friendship by joining our standard. With very few exceptions they have not done it, which is evidence,

strong and conclusive, that they are really our enemies. In many instances, they have been known to fight against us. I therefore consider that they should be neither entitled to our respect nor favor, and as such, not entitled to a seat in our Council. As it respects the other Mexican jurisdictions, where the touch-stone could be more properly applied, it would be different. I therefore hope that you will reconsider the bill, and make the alterations suggested, as I consider the objections reasonable and justly founded.

With sentiments, &c. &c.

I am your obedient servant,

HENRY SMITH, Governor.

December 12, 1835.

The resolution vetoed by the Governor, was read and ordered to lie on the table.

Mr. Padilla's resignation as a member of this Council from Gaudaloupe Victoria, was accepted; when Mr. Linn was sworn and took his seat as a member of the Council, to supply the vacancy.

Mr. Linn was appointed to the committee on finance.

The account of the door keeper was presented and referred to the committee on finance.

On motion, the Council adjourned to nine o'clock, to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 13th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The Journal of yesterday's proceedings having been read,

Mr. Millard, from the committee on finance, reported verbally, on the account of Juan Jervit, for horses, &c., and recommended that said account be allowed, which report, on motion of Mr. Kerr, was adopted.

On motion of Mr. Hanks, the House took up the ordinance and decree for the punishment of high crimes and misdemeanors, which on motion of Mr. Millard, was recommitted to the committee who reported it, and Mr. Menifee was added to the committee, in the place of Mr. Powers who was absent.

Mr. Linn offered the following resolution, which was passed:

Resolved, That the treasurer is authorized, and that it is hereby made his duty, to draw upon the commissioners in New Orleans for the sum of two hundred and seventy dollars, in favor of Juan Jervit, being the amount of a draft in his favor, drawn by Captain P. Dimit, for horses bought for the public service.

Mr. Millard, from the committee on finance, reported verbally on account of the door-keeper for fourteen dollars, recommending that it should be allowed, which was adopted.

On motion of Mr. Menifee,

Resolved, That a committee of three be appointed to enquire into the cause of the great delay in publishing the ordinances and decrees of the Provisional Government, in the public newspaper of Texas, agreeably to an ordinance for that purpose; and wherefore the prisoners contemplated

to be removed to San Augustine, have not been removed. Messrs. Menifee, Westover and Harris were appointed the committee.

The House then took up the resolution for calling a convention, vetoed by the Governor. The resolution and objections of the Governor having been read; the question being put, shall this resolution now pass, the objections of the Governor to the contrary notwithstanding? There were in the affirmative Messrs. Menifee, Barrett, Clements, Parker, Millard, Harris, Hanks, Royall, Kerr, West, Linn, Westover and M'Mullen, 13. So the resolution was passed by a constitutional majority.

Mr. Millard, from the committee on enrollments, reported duly enrolled.

"A resolution requiring the Treasurer to draw on the Commissioners to the United States, in favor of Juan Jervit."

"A resolution appropriating twenty-five dollars to Stephen M'Laughlin, &c."

"A resolution for determining the rank of officers in the regular army."

"A resolution authorizing the Commander-in-Chief to accept the services of five thousand volunteers, and fixing his head quarters."

On motion, the Council adjourned to 9 o'clock, to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 13th, 1835. }  
SEVEN O'CLOCK, P. M.

The Council met on the call of the President.

Mr. Royall introduced a supplement to an ordinance and decree, entitled "An ordinance and decree, establishing and imposing duties on imposts and tonnage, and for other purposes, which was read the first time, and on motion of Mr. Royall, the rule was suspended, and the ordinance was read a second and third time, when the question was taken on its final passage, and decided in the affirmative.

On motion, the Council adjourned till 9 o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 14th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Millard, from the committee on enrollments, reported enrolled,

"A supplement to an ordinance and decree, entitled "An ordinance and decree establishing and imposing duties on imposts and tonnage, and for other purposes."

The Executive Secretary presented, approved by the Governor,

"A resolution requiring the Treasurer to draw on the Commissioners to the United States in favor of Juan Jervit, for two hundred and seventy dollars."

The President appointed Mr. Linn to the standing committee on enrollments; Messrs. Clements and Menifee to the standing committee on land and Indian affairs.

On motion of Mr. Millard, the House took up the report of the com-

mittee on finance, on the accounts of Jesse Strothers; laid on the table 21st of November. Which report was accepted.

Mr. Westover's account for corn furnished the expedition to Lepantitan, was presented, and was referred to the committee on public accounts.

On motion of Mr. Millard, all public accounts now in the hands of the committee on finance, not acted upon, were referred to the committee on public accounts.

Mr. Hanks, from the committee on military affairs, made the following report, accompanied by an ordinance, increasing the bounty to soldiers in the regular army.

"Whereas the good people of Texas having dared to resist tyranny and oppression, following the experience which all nations have taught; that it is more easy to maintain, than to wrest back usurped rights. Hence we are involved in a civil war. The usurper and despot, with their hireling soldiery, have not only trampled under foot the sacred constitutions of our country, but are aiming their blows at the life and liberty of every citizen. A portion of our fellow citizens are now battling against our enemies, the minions of power and despotism, under the walls of San Antonio. They cry to us for more assistance. The enemy is daily expecting a large reinforcement. Perhaps at this moment the volunteer army is engaged in deadly strife with twice their number; and their enemies too, strongly fortified. Fearful odds! Your committee therefore earnestly recommend to the General Council the importance and necessity of increasing the bounty of those persons who enlist in the regular army, in order to complete the military establishment to the full number authorized by the organic law, with all possible dispatch, by so doing, greater inducements are held out to persons to enlist in the regular army. In accordance with these views, and to effect the speedy raising and organizing the army, your committee recommend the adoption of the accompanying ordinance.

The report was received, and the ordinance read the first time.

On motion of Mr. Millard, the rule was suspended, and the ordinance read the second and third time, when the question was taken on its final passage, and decided in the affirmative.

Mr. Linn offered a resolution for the appointment of a committee to raise the revenue and custom house laws, which was adopted; and Messrs. Linn, Royall, Harris and M'Mullen were appointed the committee.

Mr. Menifee from the committee to enquire why the ordinances and decrees have not been published, and also why the Mexican prisoners have not been removed to San Augustine, presented the following report, which was accepted:

Your committee, to whom was referred the within resolution, respectfully report that your committee waited on the Governor, whose duty it was made by an ordinance, to have the printing done, who says that he has deferred the printing of the ordinances, until the acts of the convention were published, that the ordinances might follow in regular order, and to show upon what these ordinances were based; and that for want of men and money, or the proper means within his power or control, the prisoners have not been removed to San Augustine.

WILLIAM MENIFEE, Chairman.

The Executive secretary presented the following message from the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—I herewith transmit to your body various communications, from Colonel Mexia, which will shew for themselves. I also transmit, at the same time, a communication with the proceedings of the committee of the precinct or district of Sabine, which you will please examine, and take such action on it as its nature and circumstances may require.

With sentiments, &c., &c.,

I am your obedient servant,

December 14th, 1835.

HENRY SMITH, Governor.

The communications referred to in the message of General Mexia, were referred to the committee on military affairs.

The communications from Sabine were referred to the committee on state and judiciary.

On motion the Council adjourned to 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

A quorum not being present, the Council adjourned to 9 o'clock tomorrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 15, 1835. }

NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The Journal of yesterday's proceedings having been read,

Mr. Mitchell, from the Municipality of Washington, appeared and affirmed, as prescribed by the organic law, and took a seat as a member of the Council.

Mr. Barrett from the committee on state and judiciary, to whom was referred certain letters of T. F. M'Kinney, reported the following resolution, which was passed:

Be it resolved, &c., That Thomas F. M'Kinney, of the firm of M'Kinney & Williams be, and he is hereby constituted an agent of the Government of Texas, for the purpose of receiving and taking charge of the public stores for the army of Texas, at the mouth of the river Brazos, to be delivered to the orders of the proper officers of the Government aforesaid; and the said M'Kinney, as agent aforesaid, is authorized and required to provide for, and supply volunteers for the army, who come within the meaning and provisions of an ordinance and decree, entitled "An ordinance and decree creating an auxiliary volunteer corps for Texas," passed the fifth day of December, 1835, with the necessary arms, ammunition and provisions, to enable them to do duty, and march to

head quarters, where he shall direct them to proceed with all convenient despatch; provided that the said Government agent, shall in all cases, take duplicate receipts for all articles or money advanced.

Mr. Barrett, from same committee, reported an ordinance and decree for creating the Municipality of Sabine, and for organizing the same. The ordinance was read a first time, when the rule was suspended, and the ordinance read a second time.

On motion of Mr. Hanks, the ordinance was amended by striking out of the first section, the words "Angelina River" and inserting the "mouth of Bear Creek," when the rule was further suspended, and the ordinance read a third time, when the question was taken on its final passage, and decided in the affirmative.

Mr. Harris offered the following resolution, which was passed:

Be it resolved by the General Council of the Provisional Government of Texas, that the Governor be advised forthwith to direct the commander at Goliad, by the bearer Captain Miracle, directing said commander to render Captain Miracle, all the aid necessary for him to pursue his journey with dispatch, as he carries important papers from General Mexia, and also from this body to, and in the neighborhood of Matamoras.

On motion of Mr. Barrett, the report of the committee on military affairs, respecting Colonel Sandoval, was recommitted to the committee.

Mr. Royall, from the select committee, to whom was referred a resolution for opening a correspondence, with agents in different parts of the United States, reported the following resolution, which was passed:

Be it resolved by the General Council of the Provisional Government of Texas, that Doctor John Sibley be, and he is hereby appointed our corresponding agent at the town of Natchitoches, for that town and its vicinity; that he be notified by the Governor of his appointment, and requested to enter into immediate correspondence with this Government, at least once a month, on all subjects of interest to Texas.

Be it further resolved, &c., that our general agents to the United States, S. F. Austin and Branch T. Archer, be instructed by the Governor to appoint, by virtue of the powers vested in them, suitable corresponding agents for Texas, in each principal town or city in the United States, that our said general agents notify said persons by letter of their appointment, with a request that they enter immediately into a monthly correspondence with this Government on all subjects of interest to Texas, and with such powers as they may think proper, and authorized to delegate them.

Be it further resolved, &c., that our agents aforesaid, be notified by the Governor, of this resolution, and of the appointment of Doctor John Sibley of Natchitoches, as our corresponding agent for that town and vicinity.

R. R. ROYALL, Chairman.

Mr. Barrett submitted a letter from Mr. Urbane, respecting the building now occupied by the Council, which was referred to a select committee of three, consisting of Messrs. Menifee, Mitchell and Royall.

A communication from S. Dinsmore, jr., respecting letters of marque and reprisal, was taken up and read, and ordered to be kept on file.

The report from the committee on military affairs respecting a commissary for volunteers, was withdrawn by leave of the House.

The resignation of Mr. Parmer, tendered some days since, was accepted.

A communication from P. Dimit at Goliad, respecting volunteers, was taken up and ordered to be put on file.

A resolution respecting the storming of Bexar, was taken up and on motion, was ordered to be kept on file.

On motion, the Council adjourned to 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President congratulated the members of the General Council, on the cheering intelligence just received in town by express, of the victory achieved by our patriotic citizen volunteers, over the enemy at Bexar, and the surrender of that post. When on motion of Mr. Barrett,

Resolved, that a select committee of three be appointed to draft an address to the citizen army on the victory obtained at Bexar, and the reduction of that post: And also to inform our foreign agents or commissioners of this happy event.

Messrs. Barrett, Royall and Powers were appointed that committee.

On motion, it was resolved that a committee of three be appointed to procure horses, and dispatch express, &c.

Messrs. Harris, Parker and Menifee were appointed that committee.

Mr. Gay presented to the House receipts for money delivered to the commander of the volunteer army at Bexar, agreeably to an ordinance of this Council; which were referred to the committee on finance, with directions to settle with Mr. Gay.

Mr. Millard, from the committee on enrollments, presented as duly enrolled,

An ordinance and decree for creating the municipality of Sabine, and for organizing the same.

An ordinance for increasing the bounty of soldiers of the regular army.

On motion, the Council adjourned to 7 o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Barrett, from the select committee to draft an address, &c., reported the following address to the volunteers, and resolutions; which were adopted, and ordered to be forwarded to Bexar by express.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 15, 1835. }

To General Edward Burleson, Colonel F. Johnson and all the brave officers and soldiers of the citizen volunteer army in Bexar:

FELLOW CITIZENS:—

The Representatives of your General Council, were this hour greeted with the welcome intelligence of your glorious victory and triumphant conquest, over the post of Bexar, with all your enemies prisoners, together with all the arms, munitions and provisions. We expected no less from our heroic citizens, and brave compatriots of our northern brethren.—We felt that you were invincible, and that our enemies, although greatly out-numbering you, must yield to the sons of freedom. Their cause is that of oppression and tyranny, ours, that of liberty and equal rights. They are but the hireling slaves of an usurper. You are

the brave sons of Washington and freedom, and you have proved yourselves worthy of your glorious origin. You have fulfilled the expectations of your country, and the hopes of all the lovers of liberty on earth. Your Representatives extend to you the cordial hand of congratulation and gratitude, as well in behalf of our fellow-citizens and our families, as for themselves. You have nobly and valiantly acquitted yourselves of the high trust which your country's danger caused you to assume, and your names will be enrolled in the first pages of your country's history of heroes, as well as imprinted on the hearts of your fellow-citizens. But in the midst of joy there is mourning, and while we shout your victory, the tears of holy sorrow bedew our faces. The brave and heroic Milam has fallen in the arms of victory; and the cause of his injured country. In him we have lost a precious gem from the casket of brilliant heroes. God rest his soul! while his memory shall survive as long as a freeman has a standing in Texas.

Other brave men have also mingled their blood with their country's sacrifices. Their honor is imperishable. That your first noble example may be followed, is the ardent wish of your Representatives, whose efforts in their sphere have been anxiously directed for your aid and comfort; and had your country's means at command been equal to her generous gratitude, your every want had been promptly supplied.

*Citizen Soldiers:*—Many of you have long been in the field of honor and of danger, separated from your families and your homes. A respite from your labors and your privations must be desirable; and it is reasonable, in anticipation of this glorious event to be achieved by your arms. Your government have been solicitously engaged in organizing a regular army, upon a proper footing, together with provisions for an auxiliary volunteer corps, that you might be released and get rest among your families and friends, until the future calls of your country again place you in defence of her, and your just rights. To such calls you have always proved your hearty response. We address you in much haste, but with feelings not to be repressed. Your joy is our joy, your sorrows our sorrows; and with assurance of unabating sympathies with you, and all our fellow-citizens in the present glorious epoch in our country's annals,

We are truly your  
FELLOW CITIZENS AND FRIENDS.

Your committee offer the following resolutions for the consideration of the Council:

Resolved, That this council sensibly feel the great loss that Texas has sustained in the death of the brave Colonel Benjamin R. Milam, who fell while leading his heroic countrymen to victory, and that the President and members of the General Council, in testimony of their heart-felt sorrow, and mourning for his death, will wear crape on the left arm for thirty days; and request that the Governor and all the officers of the Provisional Government, do in like manner unite with us in wearing this badge of mourning.

Resolved, that his Excellency the Governor, be respectfully invited to unite with the President and Council in this address to the volunteer army, and place his name officially to the same, and to the foregoing resolutions; and that a copy be forthwith sent to the commander of the

army, to be read publicly to all his command, as expressive of the gratitude of the country, and as a just testimony of respect to patriotism and valor.

D. C. BARRETT, Chairman.  
 R. R. ROYALL, }  
 JAMES POWER, } Committee.

HENRY SMITH, Governor.  
 JAMES W. ROBINSON, Gov. and  
 Ex. Officio Pres't. of Gen. Council.

E. W. PEASE, Secretary of Gen. Council.

The same committee also presented the following communication to our commissioners, which was also adopted:

COUNCIL HALL, }  
 December 15th, 1835. }

To General S. F. Austin, Branch F. Archer and William H. Wharton,  
 Esqrs.

*Citizen Commissioners:*

Bexar has fallen! Our brave citizen volunteers, with a persevering bravery and heroic valor, unparalleled in the annals of warfare, have triumphed over a force of twice their number and compelled the slaves of despotism to yield, vanquished by the ever resistless arms of freemen soldiers. We have not time to enter into full detail of all that preceded the glorious Thursday of December the tenth, when the final capitulation of Cos and Ugartechea, was signed. From Saturday morning preceding the time that a detachment of three hundred of our brave citizens, commanded by Colonel Benjamin R. Milam, got possession of two buildings near the public square of the city, an unceasing battle raged until Wednesday, with constant advantage gained by our volunteers, until the whole force of the enemy was driven within their last strong hold across the river, the Alamo; on Wednesday night, Colonel Ugartechea, effected an entrance into that place, with a reinforcement of Mexicans, supposed to amount to three hundred men; this day the black flag was raised by General Cos. He fought with a desperation worthy a better cause; but in vain! The unconquerable Texians, with their equally brave auxiliaries from the United States of the North, could not be dislodged, and the battle raged with murderous fury, with advantage to us, and to the discouragement of the enemy, who became dismayed and disheartened in a contest that but weakened them, and strengthened our valorous brethren in arms, raised the signal of submission.

A treaty was entered into, by which all the cannon, a number of small arms, and a large quantity of munitions of war, and provisions were surrendered to the conquerors. All the enemy, with their General and officers, were prisoners, but released on parol of honor. But over the joy of triumph for a victory, deep sorrow casts its gloom. We glory in the issue, while mingling tears of lamentation for the brave Milam, who nobly fell while fighting in the cause of liberty, and his country. He was killed by a rifle ball on Tuesday, when the command devolved upon Col. Francis W. Johnson, the second officer of the detachment, and who has secured to himself the meed of praise, and the gratitude of his

fellow citizens, together with the brave heroes of his command. Two other brave men fell, and about twenty-five men wounded.

Citizen-Commissioners: with the foregoing intelligence, you will enter upon the duties of your mission with increased ardor, and brightened hopes of full success; and while we congratulate you as being the bearers of such joyful news, we renew to you our farewell blessing, and desire for your continued health, and the prosperous success of the objects of your present enterprise.

God and Liberty,

D. C. BARRETT, Chairman.  
 R. R. ROYALL,  
 JAMES POWERS, } Committee.

Resolved, that a copy of the foregoing communication and resolutions upon which it was originated, signed by the President and Secretary, in behalf of the General Council, be forthwith forwarded to our said commissioners.

Mr. Royall, from the same committee, reported two letters to Thomas J. Rusk, agent for forwarding volunteers, &c., and to the committee of safety of Nacogdoches; which were read and adopted.

Mr. Harris, from the committee to dispatch expresses &c., reported verbally, on the manner in which they had discharged that duty.

The Executive Secretary presented the following message from the Governor; which was read and ordered to lie on the table.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
 Members of the Legislative Council:*

GENTLEMEN:—

I herewith transmit the following bills, with my approval and signature:

The one requiring the commander-in-chief to remove his head quarters to Washington.

One settling the mode by which officers of the army receive their grade, when difficulties on that account should present themselves.

One appointing a Post Master General, and other officers.

One requesting the commander at Goliad to afford assistance, &c.

One for calling a convention.

And one for creating the municipality of Sabine.

Two I have returned without my signature for the following reasons:

The one requiring of me a transcript of the instructions extended to our foreign agents and also the correspondence had with General Burleson and other officers. Those to which you allude are all spread upon the record in my Secretary's office, and subject at all times to the perusal of your body, and inasmuch as I have but one Secretary belonging to my department, whose duties are arduous, and as such could illy spare the time to make those transcripts, must beg the favor of your body to send one of your own clerks for that purpose.

The other is an appropriation bill, in favor of McLaughlin, for the sum of twenty-five dollars.

I have only to say to your body, whatever the facts of the case may

be, I am bound to premise that this bill was sent to my office through mistake, for it is evident as the law now stands, that this bill or any other appropriation bill, must originate with the committee on finance, whose privilege it is to originate appropriations, and check on the Treasury for the amount, and have the same entered on the journals of your body. As such, my office is rid of the trouble of keeping any record pertaining to the originating appropriations, or making drafts upon the Treasury. There seems to be no propriety in sending the bill up to me, when the authority to act is withdrawn from my department. Therefore for the sake of consistency, if for no other reason, I return the bill.

HENRY SMITH, Governor.

December 15, 1835.

On motion of Mr. Parker, the House proceeded to elect judges and commissioners for organizing the militia in the municipality of Sabine. The rule of voting by ballot was suspended, and James Gaines was elected first judge, William Harris second judge; and Isaac Lowe, Albert Hinds and Matthew Parker were elected commissioners.

On motion of Mr. ———, the inland revenue district, created by an ordinance and decree, imposing duties on imposts, &c., was called Milam revenue district, and Benjamin Holt appointed collector of the same.

Mr. Powers made a verbal report, that he had waited on General Mexia, agreeably to a resolution of the Council, that General Mexia declined co-operating with the volunteer army at Bexar, in consequence of which he did not think himself authorized to act under the resolution.

The report was accepted, and on motion of Mr. Harris,

Resolved, that the thanks of this Council be presented to Mr. Powers, for the prompt and satisfactory manner in which he discharged the duty required of him by the resolution of this Council.

Mr. Harris offered the following resolution:

Resolved, that the thanks of the General Council be presented to Thomas Gay for his patriotic exertions in forwarding the plans of this Government, respecting the volunteer army, &c.

On motion of Mr. Hanks, resolved, that the Governor be required to notify either Henry Augustin, or Horton of the municipality of San Augustine, that there is a vacancy in the Council from that municipality, and require the attendance of one of them.

On motion of Mr. Barrett,

Resolved, that the Secretary be required to give Mr. Padilla a certificate of his time of service in this Council, that he may draw what is due him after deducting advances made him.

Mr. Padilla's account for articles furnished the volunteer army was presented and referred to the committee on public accounts.

On motion of Mr. Barrett,

Resolved, that the Treasurer be directed not to pay over to any orders already drawn, any part of the money returned by Mr. Gay this day, but hold it subject to any future orders of this Council.

On motion, the Council adjourned to nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 16th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The Executive Secretary presented the following message from the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable the President, and  
Members of the Legislative Council:*

GENTLEMEN:—

I herewith transmit for your information, documents received from various persons, touching a wrecked vessel near the Port of Matagorda.

That the unfortunate should receive the treatment as indicated in these communications, is truly to be lamented, and if possible, should be remedied. If, however, your body should not consider it in their power to reach the present case, but leave it for the investigation of the constituted authorities, it would at least be well to take the precaution to prevent in some efficient manner, a recurrence of similar conduct. Our sea coast for years has produced nothing but a scene of fraud, corruption and piracies, to the unfortunate, who either by misfortune or design have been driven upon our shores.

So well have we already established our character abroad for having a piratical coast, that it is with difficulty insurances can be effected, and always at an unusual high rate, and frequently not at all. This stage of things has grown entirely out of our disorganized situation, and not having the proper laws enacted to restrain the vice.

I confidently hope, that your honorable body will take this matter into consideration, and pass such laws as will prevent a recurrence of these evils, by making it highly criminal, in any person who will embezzle, or attempt to defraud the unfortunate, by the unlawful seizure or sale of their property.—They have very appropriately been termed the bone pickers, who are eagle-eyed, ever hovering around to pounce upon their unfortunate prey. It is now high time that Texas should retrieve her character, in that respect, by passing laws for the protection of wrecked property, whether found immediately at the wreck or elsewhere on the sea coast, and designating the means by which salvage should be adjudged and settled, and that a proper disposition be made of the balance, for the benefit of whom it may concern.

Having lived since my first settlement in the country contiguous to the sea coast, and frequently called upon in an official capacity, to extend protests and other documents, relative to wrecked vessels, I am well aware of the intrigue, management and downright roguery, which has been universally practised by the unprincipled speculators, and always to the great injury, and frequently, total ruin of the unfortunate, without having it in my power to remedy the evil; which makes me now more

solicitous that your honorable body give the subject that attention which it justly merits.

I am gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 16th, 1835.

The communications accompanying the message were referred as follows:

A communication from J. W. Fannin, junior, respecting the disposition of a vessel wrecked at Matagorda, referred to the committee on the state and judiciary.

A letter from sundry citizens of Matagorda, requesting the appointment of an auctioneer, &c., referred to the committee to revise the revenue laws.

A communication from Judge Wilson, respecting the election of militia officers at Matagorda, referred to Mr. Parker.

A communication from Judge Wilson, respecting certain prisoners, &c., referred to Mr. Barrett.

The President laid before the House a letter from General Houston, respecting the resignation of Lieutenant Whitaker. Referred to the committee on military affairs.

Mr. Thompson, from Viesca, appeared, was sworn and took his seat, as a member of the Council.

The President laid before the House a letter from Mr. Forsyth, respecting ammunition forwarded from Harrisburg; which was referred to the committee on public accounts.

The account of Mr. Huff, for services rendered to the volunteer army, was referred to the committee on public accounts.

Mr. Hanks, from the committee on military affairs, made the following report, accompanied by an ordinance for the creation of a legion of cavalry; which was read and ordered to lie on the table.

Your committee are of opinion, that the regular army of Texas, should be augmented. From the intercepted correspondence forwarded to us by the commanding officer at Goliad, and the commanding officer before Bexar, together with all the communications received from the interior, we are satisfied, that not less than eight or ten thousand central troops, under the command of Santa Anna's bravest and most experienced officers will be sent to invade Texas, between now and the ensuing spring, in addition to those already within the borders of our State. From every indication, Texas will have to battle single handed against the combined forces of the central party, with Santa Anna for their leader, throughout Mexico. The central party embraces most of the talents, wealth and population, of the Mexican confederacy. The power and influence of the Priest, will also be extended against us. Church and State are thus combined for the overthrow and demolition of free institutions; and the friends and advocates of Constitutional liberty, in the interior, are so few and weak, that they dare not resist the encroachments and usurpations of power, which have been made by this tremendous engine of despotism—the union of Church and State!—Texas alone has dared to resist these usurpations; to vindicate her rights, and to repulse the hireling

soldiery of the ruffian tyrant, who have polluted our soil with their footsteps; aiming their blows at the life and liberty of every citizen.

Under this view of our situation, your committee believe that the establishment of a sufficient force to be the only means by which we can sustain ourselves in the present struggle; and no man, we believe, will contend for a moment, that the regular army, to be raised in accordance with the organic law, will be able to resist and repel the combined forces of all Mexico. What? Protect a sea coast of three hundred and fifty miles, an extended frontier, and a scattered population of seventy or eighty thousand inhabitants, with eleven or twelve hundred men, against the forces of a nation containing eight millions of inhabitants; and that nation denouncing us as rebels and traitors. Yes! Our frontier is already invaded by their troops, and all the horrors of war brought within our country. An augmentation of the army, is therefore absolutely necessary for our safety and security; for the establishment and permanency of free institutions in Texas, rest entirely upon the success of our arms. Your committee are also of opinion, that one of the most important parts of the army has been overlooked, to wit, the establishment of a troop of cavalry. A troop of cavalry is indispensable for many reasons. No part of the army, infantry especially, can move with that celerity to any part of the country, which may be attacked by the enemy, as a troop of cavalry is necessary to harrass an advancing or retreating enemy: Also to cut off the provisions and supplies, and intercept the communications of our enemies—to carry an express and do any act which requires celerity and promptness of movement. Your committee has consulted, gentlemen of experience and known abilities, relative to the creation of a troop of cavalry. It is the opinion of Col. Fannin that the regular army should be increased. General Austin, General Houston and W. B. Travis, Esq., all concur with your committee in the immediate necessity of creating a troop of cavalry. It is true, that it will cost several thousand dollars, to raise, organize, arm and equip an efficient troop of cavalry. Yet no one can be so blind as to renounce the lasting prosperity and greatness of Texas, rather than spend a few thousand dollars, or a million if it were necessary.

Your committee therefore recommend the adoption of the accompanying ordinance.

Mr. Hanks also submitted an ordinance, &c. prohibiting officers of the army from holding any other office during the war; which was read and laid on the table.

Mr. Millard, from the committee on finance, offered the follow resolution, which was passed:

Resolved by the General Council of the Provisional Government of Texas, that whereas, a United States note or bank bill, with the check letter, C, No. 5143, payable sixty days after date, to Mr. Robertson, Cashier, at the office of discount and deposit of the Bank of the United States, for the sum of one thousand dollars, dated, Philadelphia, March 18th, 1829, signed by W. McIlvain, Cashier, and N. Biddle, President, being the same paid into the Treasury of the Provisional Government of Texas, and now in the hands of the Treasurer of said Provisional Government of Texas.

Therefore, resolved, that the said Treasurer be authorised and empowered to pass the said note or bill, as above described, to Mr. Thomas

Gay or any other person, for the same amount in cash, or smaller bills or notes, on the same or any other bank or banks of the United States or State, in North America, that shall be passing current at this time in Texas; fully guaranteeing to said Thomas Gay or others, that should the said note or bill of one thousand dollars, prove to be spurious, and not payed when presented for payment to the Bank of the United States or any of its branches, then said Treasurer of the Government of Texas, shall be bound to refund said amount of one thousand dollars to Thomas Gay, or whosoever shall have changed the same, out of any monies or Government funds, belonging to the Government of Texas, that the said Treasurer may have control of, at that time, or any-time thereafter, with interest at the rate of ten per centum, from the time he may lay out of the use of his money.

Mr. Royall, from the committee on military affairs, offered the following resolution, which was passed:

The General Council of Texas, feeling a sense of gratitude to Colonel Sandoval, now a prisoner of war at this place, for his act of liberality in causing the release of our countrymen, Doct. Early and others, adopted the following resolution.

Be it resolved, that a committee of three be appointed to wait upon Col. Sandoval, and tender him the thanks of this House for his friendly intercession in behalf of our countrymen, when prisoners, and that the said committee accept of his parol of honor, to return to his friends; conditioned, that he does not take up arms against the federal system of government, of the Colonists of Texas, during this war.

Be it also resolved, that the committee be required to furnish Col. Sandeval with a copy of this resolution in his own language.

W. HANKS, Chairman.

R. R. ROYALL, }  
J. D. CLEMENTS, } Military Com.

Messrs. Clements, Royall and Hanks, were appointed the committee under the foregoing resolutions.

On motion, the Council adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 17th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterdays proceedings being read,

Mr. Barrett from the committee on state and judiciary, to whom was referred the letter of J. W. Fannin, junior, respecting the disposition of the wreck at Matagorda, made the following report, accompanied by an ordinance and decree, for sequestering and securing the cargo of the schooner Hannah Elizabeth, and instituting an inquiry respecting the same, and for other purposes.

*To the Honorable, the President, and  
General Council of the Provisional Government of Texas:*

Your committee to whom was referred the letter of Col. J. W. Fannin, junior, report,—

That from the character of this gentleman, and his relation to the Government, with the advantages possessed by him for diffusing correct information, no doubt can be entertained of the correctness of his intelligence. From the facts stated by Col. Fannin, a high handed and unlawful course has been pursued by certain individuals, as regards the disposition of the schooner Hannah Elizabeth, and her cargo, driven on the beach by the enemies armed vessel Bravo.

This schooner appears to have belonged to the United States of the North, and freighted by citizens of Texas; the owners taken prisoners by the Mexican vessel, together with a number of passengers on board the schooner.

By a course of fortuitous circumstances, she was gotten possession of by Capt. Hurd, sailing under our flag, and whose vessel is registered in Texas, assisted by some citizens of Matagorda, together with eleven prisoners, without any adjudication, and under the most suspicious circumstances, a pretended sale of the cargo and vessel was effected by the captors.

By the organic law of the Provisional Government of Texas, the President and Council are constituted a court of admiralty, having to decide all cases coming within such jurisdiction.—By the conduct of Capt. Hurd and his co-adjutors, a disrespect, if not a decided contempt, has been manifested for the laws and high tribunal of the people, in this matter.

Your committee therefore advise, that one or more commissioners be appointed by this Council, one of whom to be from this body, and commissioned and instructed by the Governor, forthwith to proceed to Matagorda, with full power to seize and sequester the schooner so taken, with all her cargo, wherever to be found, and institute an enquiry; to call before them such persons as may be necessary for a full development of facts; and with powers to arrest and send such persons before the court of admiralty, as may be culpable or guilty of unlawful acts in the business; and to suspend the commission and registry of the commander, and of the vessel "William Robbins," if the facts require it, and report with all possible expedition to the Governor and Council of their proceedings.

We also advise that the Mexican prisoners taken on board the captured schooner, be held in safe custody, to answer for the treatment and exchange of our citizens in the power of the Mexican officers. To this end your committee advise the adoption of the accompanying ordinance and decree.

The foregoing report was adopted, and the ordinance read the first time; when the rule was suspended, and the ordinance read the second time.

On motion of Mr. Barrett, the blank in the first section was filled in the first section, with the names of Thomas Barnett, Robert H. Williams and James Collingsworth.

The rule was further suspended and the ordinance read a third time;

when the question was taken on its final passage, and decided in the affirmative.

Mr. Power, who had been authorized to aid General Mexia to proceed to Bexar, made the following report, which was accepted:

I have called on General Mexia at Columbia. He has declined to go to Bexar to join with our people. His object is to go to Copano to join with the two hundred Mexicans who are at Palo Blanco; and from thence to take Matamoras, if possible. Mr. Fisher, who is acting Secretary to the General, stated to me that the General could not place his military character at stake by accepting a command under the Provisional Government of Texas, as Mr. Viesca is not Governor, I further understood that General Mexia will be here in a short time, with a view of seeing the Governor and Council, in hopes that they will place armed vessels to blockade the ports of Vera Cruz and Tampico, and order all vessels bound for said ports to Matamoras, where they can discharge their cargo, as there seems to be no doubt of the latter port falling into the hands of the liberal party. Mr. Fisher further stated that he was bearer of dispatches to General Mexia, that in February next there is a general plan of revolutionizing all over Mexico. Under these circumstances I thought it most prudent to return and inform the Council, and subject myself to their further orders on this subject.

JAMES POWER.

Mr. Kerr, from the committee on land and Indian affairs, made the following report and resolution:

Your committee on land and Indian affairs, beg leave to report, that the third session of the organic law, makes it the duty of the Governor and his Council, to treat with the several tribes of Indians within the limits of Texas, concerning their claims to land, and if possible to secure their friendship.

By reference to the proceedings of the General Convention, it will be seen that they made a solemn decree, that the Cherokee Indians and their associate bands, (twelve tribes in number, agreeably to their last General Council in Texas,) have derived their just claims to lands, included within the bounds, hereafter mentioned, from the Government of Mexico; from which also we have derived our rights to the soil by grant and occupancy.

The General Convention also solemnly decreed, that the Governor and Council, shall immediately on its organization, appoint commissioners to treat with the said Indians, to establish the definite boundaries of their territory, and secure their confidence and friendship. For the purpose of carrying into effect the aforesaid third section of the organic law, and the solemn declarations of the General Convention.

Your committee beg leave to offer for your consideration and action, the accompanying resolution,

Be it resolved by the General Council of the Provisional Government of Texas, that Sam Houston, John Forbes and John Cameron, be and they are hereby appointed commissioners, to treat with the Cherokee Indians, and their twelve associate bands, under such instructions as may be given them by the Governor and Council; and should it so happen that all the commissioners cannot attend, any two of them shall have power to conclude a treaty, and report the same to the General Council of the Provisional Government, for its approval and ratification.

Resolved, that said commissioners be required to hold said treaty as soon as practicable.

The foregoing report was adopted, and the resolutions ordered to lie on the table.

Mr. Clements from the select committee to inquire why the proceedings of the Convention and Council have not been published, made the following report; which was accepted, and a copy ordered to be sent to the printer.

Your committee, whose duty it was made by a resolution of the General Council, to inquire into the cause why the proceedings of the Convention and General Council, have not been published before this time, beg leave to report, that a note has been addressed to the committee who was appointed by the Convention, the day previous to its close, to superintend the proceedings of said Convention, in pamphlet form, and have received an answer from two of that committee, James W. Robinson and D. C. Barrett, both of whom state, that owing to the laborious duties which devolved upon them as members of the General Council, which commenced its session immediately after the adjournment of the convention, they were not able to give their personal attention to the subject. It was therefore committed to Mr. Fisher to prepare under the direction of Mr. Wharton. When prepared, on examination were found to be imperfect. We then revised them and sent them to the printer. This was done some fifteen or sixteen days since; so it seems from the statement of the previous committee appointed to superintend the printing, &c., that the proceedings of the convention were not handed to the printer until the first day of December last, past.

Your committee also addressed a note to the Governor, Henry Smith, making the same inquiry as was made by the committee appointed by the Convention, to superintend the printing, &c.; but have received no answer.

Your committee addressed a note to the printers on the subject, asking them for their reasons, why the proceedings of the Convention had not been published, anterior to this time; and what progress has been made in printing the same? Your committee takes much pleasure in stating that an answer has been received from the printers, assigning reasons full and satisfactory in the opinion of your committee, why the aforesaid proceedings have not been sooner printed.

In addition to the important communication received from the commander-in-chief of the volunteer army of the people, before Bexar, and the intercepted correspondence of the centralists, which require immediate publication: A circular inviting the people to repair to the seat of war, and blank commissions for judicial affairs; have also been printed. So that from the press of business by the members of the General Council, which has been urged upon the printers from time to time, it has been entirely out of their power to progress more rapidly with the printing of the proceedings of the Convention and General Council, than has already been done. They, the printers, also state that sixteen pages of the pamphlet have been printed, and considerably more is in type; and that the rest could be completed in a few days, if no more jobs were ordered by the Government in that time, provided they had paper; but the stock of paper which they had on hand has been exhausted in printing for the Government, as before mentioned, and they are compelled to

wait for a supply of paper, which they are daily expecting, before they can complete the printing of the said proceedings.

Notwithstanding it is highly important for the people to know what their Representatives in the Convention and General Council have done and are doing, yet your committee, from what information they have been able to obtain relative to the printing of the laws, &c., cannot attach any blame or negligence, whatever, to the printers; but on the contrary, it is the opinion of your committee that they have discharged their duty faithfully, so far as it has been in their power.

Mr. Barrett made the following report on the letter of Judge Wilson, which was accepted.

Your special committee of one, to whom was referred the letter of the Hon. C. Wilson, first judge of the municipality of Matagorda, doth most conscientiously report:

That the brevity, inconclusiveness and incoherency of Judge Wilson's letter, prevents him from forming any conclusions, other, than that some of the persons elected as officers in the army of Texas have safer and more profitable business than fighting; a measure which is so prudent in itself as to require no comment. And also, that a wreck has taken place, which has created great displeasure. But what has been wrecked, or who are so greatly displeased by reason thereof, the Judge has not stated, and probably because he had not been able to learn the circumstances.

Your committee also advise this house, that Judge Wilson has appointed a prosecuting attorney, which he had no legal right to do; and that there are eleven prisoners and one lieutenant, which he has quartered among the citizens from motives of economy, and concerning which the Judge asked to be advised. But as your committee is ignorant to what class of animals the eleven prisoners belong, whether biped or quadruped, cannot advise this body the nature of the counsel, which would aid the Judge in his present quandary. D. C. BARRETT, Committee.

Mr. Barrett, by leave submitted an ordinance and decree, relating to the disposition of lands in Texas; which was read and ordered to lie on the table.

Mr. Mitchell offered the following resolution, which was referred to the committee on military affairs.

Be it resolved by the General Council of Texas, that a special ranging company of ten men be raised, to range on the head waters of Cumming's and Rabb's creeks, to be commanded by a first and second lieutenant, their service to be discretionary with the officers; and that said officers be instructed to range no longer than they conceive it necessary for the protection of the citizens, in the immediate vicinity:—And that said company be entitled to pay agreeably to the organic law, for the time that they serve.

Mr. Steel, commissioner for the Nashville colony, appeared and said, that he was ready to answer any charges against him.

The Council agreed this afternoon to go into an investigation, and appointed Messrs. Barrett, Milliard and Kerr to conduct the investigation on the part of the Council.

On motion of Mr. Barrett, the Council went into secret session, and after some time spent therein, the doors were opened.

On motion, the Council adjourned to six o'clock, p. m.

SIX O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Millard, from the committee on enrollments, reported as duly enrolled.

An ordinance and decree for sequestering and securing the wreck and cargo of the schooner Hannah Elizabeth, and instituting an inquiry respecting the same, and for other purposes.

A resolution for appointing Thomas F. McKinny, agent &c., for receiving and forwarding supplies, &c.

A resolution directing the Governor to instruct our foreign agents, to appoint corresponding agents, &c., &c.

The Executive Secretary presented, approved by the Governor, a resolution appointing Thomas F. McKinny agent, &c.

The President laid before the House the resignation of Mr. Westover, as a member of this Council; which was accepted.

The President laid before the House a report from Colonel Pettus, respecting his operation in aid of General Mexia, and also his resignation of the office of contractor for the volunteer army.

The resignation was accepted, and the report referred to a select committee, consisting of Messrs. Barrett, Clements, McMullen, Powers and Royall.

Mr. Barrett, from the committee appointed on the part of the Council, to conduct the investigation in the case of Wm. H. Steel, made a statement of the proceedings in relation to the refusal of Mr. Steel to deliver the archives of the Land Office under his charge, together with the circumstances attending the same.

Mr. Steel came before the Council and stated, that the warrant to arrest him had not been served upon him, but hearing that one had been issued, he appeared for the purpose of explaining the circumstances of his refusal.

He stated that the citizens of Viesca did not consider that their delegates were clothed with conventional powers, but that they generally approved of the doings of the Convention, so far as they were informed of them; that he lived at a great distance from the seat of Government, from which communications were very uncertain. That as he had been informed of the provisions of the organic law, no such powers were given as claimed by the commissioners, one of whom was a commissioner for issuing titles under Austin and Williams, who claimed to be empresarios of that colony. That the refusal was made through misunderstanding, and in the moment of excitement, and not from any disrespect to the Government or its authorities. With this explanation he submitted himself to the Council.

On motion of Mr. Royall,

Resolved, that this council is satisfied from the explanation made by Mr. Steel, that his refusal to deliver up the archives of the land office under his charge, was made under a misunderstanding, and not from any disrespect to the Government or its authorities.

On motion of Mr. Barrett,

Resolved, that Mr. Steel be furnished with a copy of the above resolution, and that he be honorably discharged.

Mr. Clements from the military committee, reported a resolution for

receiving the non-acceptance of Madison Whitaker, as second lieutenant of infantry; which was accepted.

Mr. Clements from the military committee, made the following report, which was adopted:

Your committee, to whom Captain Allen was referred for the purpose of obtaining information relative to the regular army, and the auxiliary corps, take pleasure in stating, that the organic law, and the ordinances were handed to Captain Allen, and that he is anxious to join the regular army, after examining the same.

Your committee recommend, that the services of Captain Allen be accepted, and that he has already the requisite number of men for a company, that we proceed to appoint him Captain in the infantry. A vacancy which has already occurred by the refusal of one of those who was elected.

Your committee further recommends, that the recommendation of Captain Allen to F. W. Thornton, for first lieutenant, and McCloskey and Brush, for second lieutenants, be received, and that their names stand on the list to fill the first vacancies that take place by resignation or otherwise.

The rule of the House was suspended, and on nomination of Mr. Millard, John M. Allen, was unanimously elected as captain of infantry in the regular army, to supply the vacancy occasioned by the non-acceptance of Ezekiel Williams.

On nomination of Mr. Clements, Mr. McCloskey was unanimously elected second lieutenant of infantry in the regular army, to supply the vacancy occasioned by the non-acceptance of Madison Whitaker.

On motion of Mr. Clements, the account of P. Martin, now in the hands of the committee on military affairs, was referred to the committee on public accounts.

On motion of Mr. Millard, the House went into secret session, and after some time spent therein, the doors were opened.

Mr. Hanks, from the committee on military affairs, presented, an ordinance and decree to require the Paymaster General and Quartermaster General, to give bonds, &c.; which was read the first time and ordered to lie on the table.

Mr. Powers offered a resolution that no member of this Council shall be eligible to any office created by them, while members of the Council, nor for three months after they vacate their seats as members; which was read and ordered to lie on the table.

On motion, the Council adjourned to nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 18th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of yesterday's proceedings being read,

Mr. Clements, from the committee on military affairs, made the following report, which was adopted:

Your committee on military affairs believe that the additional corps of rangers, is altogether unnecessary, as asked for in the within resolution.

It is the opinion of your committee that the corps of rangers already created, is sufficient for the protection of the country, which the said resolution contemplates.

WYATT HANKS, }  
 J. D. CLEMENTS, } Committee.

Mr. Hanks, from the committee on military affairs, reported "an ordinance and decree appropriating forty thousand dollars for raising and organizing the regular army, &c.; which was read the first time and laid on the table.

Mr. Barratt offered the following resolution, which was adopted:

Resolved, that all the members of this House, who have been acting in the Councils of Texas, and from home two months or more, shall be entitled to draw, for thirty-three days per diem, upon the Treasurer through the chairman of the committee on finance.

The report of the committee on military affairs, together with the ordinance for raising a legion of cavalry, was taken up. The report was adopted, and the ordinance read a second time; several amendments were offered and adopted, when the rule was suspended and the ordinance read a third time, and the question being taken on its final passage, was decided in the affirmative.

The title of the ordinance was amended so as to read as follows:

An ordinance and decree augmenting the regular army, by creating a legion of cavalry:

On motion of Mr. Royall, Mr. Hanks was appointed to wait on the Governor, with the ordinance and request his immediate attention to it.

On motion, the Council adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The ordinance and decree to require the Paymaster and Quarter-master Generals, to give bonds, &c., was taken up and read a second time. Several amendments were offered and adopted; when Mr. Millard presented an amendment for creating the office of a commissary general, &c.; which was adopted. Some further amendments were adopted, when the rule was suspended and the ordinance read the third time, and the question taken on its final passage and decided in the affirmative.

The following was adopted as its title:

An ordinance and decree creating the office of Commissary General, and regulating the offices of Paymaster and Quartermaster Generals, &c.

The Executive secretary presented the following message from the Governor, which, together with accompanying documents, was referred to the committee on military affairs:

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EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
 Members of the Legislative Council:*

GENTLEMEN:—

I herewith transmit to your body, a communication received from the commander-in-chief of the army, in which he complains of delays on your

part, in making the necessary appropriations for the recruiting service. It must be obvious to all, that everything connected with the speedy organization of the army, should be attended to as speedily as possible, and that no obstacle should be thrown in the way in the least calculated to retard that object which is so essentially necessary to the protection of the country. I therefore confidently hope that your body will immediately consider the matter and make such appropriations as will be ample and sufficient for that service, and place it under such restrictions and securities, as will be calculated in all cases, to secure the Government from fraud and imposition, and by no means permit any barrier to remain, in the least calculated to retard or discourage the recruiting service, on which so much depends. I further have to suggest to you, the propriety of appointing the commissioners on the part of the Government, to carry into effect the Indian treaty as contemplated by the Convention; I can see no difficulty which can reasonably occur in the appointment, or selecting the proper agents on our part, having so many examples and precedents before us. The United States have universally sent their most distinguished military officers to perform such duties, because the Indians generally look up to, and respect their authority as coercive and paramount; I would therefore suggest the propriety of authorizing General Sam Houston of the army, and Colonel John Forbes of Nacogdoches, who has already been commissioned as one of my aids. These commissioners would go especially instructed, so that no wrong could be committed either to the Government, the Indians, or our individual citizens. All legitimate rights would be respected and no others; I am well aware that we have no right to transcend the superior order and declaration made by the Convention; that we must keep strictly within the provisions of that article; and if I recollect that article right, the outline, or external boundaries were demarked, within which the Indian tribes alluded to should be located; but at the same time paying due regard to the legitimate locations of our own citizens, within the same limits. If these Indians have introduced themselves in good faith under the colonization laws of the Government, they should be entitled to the benefits of those laws, and comply with their conditions. I deem it a duty which we owe to them to pay all due respect to their rights, and claim their co-operation in support of them; and at the same time not infringe the rights of our own countrymen so far as they have been justly founded. These agents going under proper instructions would be enabled to do right, but not permitted to do wrong, as their negotiation would be subject to investigation and ratification by the Government before it would become a law.

I am, gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 18, 1835.

The Executive secretary also presented the following message from the Governor:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—

I herewith transmit to you the official report of the capitulation of the enemies' forces at Bexar, of which rumor has some time since reached you. I send you the correspondence, not only because it is due to you, but with the request that you investigate it, and as soon as possible, that your body will be good enough to make from the whole a succinct official report for the public eye as you may deem expedient and best calculated to be circulated in handbill form, in order that it be published and circulated immediately.

I am, gentlemen,  
Your obedient servant,  
HENRY SMITH, Governor.

December 17, 1835.

Mr. Barrett offered the following, which was adopted:

Resolved, that the General Council feel, that no better or more suitable report can be made to the people of Texas and to the world of the brilliant storming and taking of Bexar, than that contained in the returns of the brave officers who have communicated their achievements to the Provisional Government, and that the same be given to the printer for publication, and five hundred copies in handbill form be printed as soon as possible.

The account of John Griffin was presented and referred to the committee on public accounts.

The rule of the House was suspended, and the ordinance appropriating forty thousand dollars for raising the regular army, was read a second time.

Mr. Barrett presented the petition of S. E. Robinson, agent of the Nashville company, which was referred to the committee on the state and judiciary.

The President laid before the House a communication from General Houston, enclosing the resignation of Philip A. Sublette as colonel of infantry, which was accepted.

On motion, the Council adjourned until nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 19, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned to three o'clock p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President submitted several letters in the Castilian language, which were referred to the select committee to whom General Mexia's letters were referred.

Also two letters from John W. Moore, contractor for the volunteer army, which were read and ordered to be placed on file.

Also a letter from Col. T. J. Rusk, respecting his operations in procuring volunteers, &c., which together with the letter addressed to Col. Rusk a few days since, were referred to the committee on military affairs.

The President also submitted a letter from Silas M. Parker, superintendent of Rangers, which was read and ordered to be placed on file.

Mr. Clements, from the committee on military affairs made the following report which was adopted:

Your committee are of opinion, that while the rangers act as a separate corps, Government is not bound to furnish a surgeon; and should they be called to act with the regular army, they will be entitled to the services of the surgeon of the regiment to which they are attached.

Mr. Millard from the committee on enrollments, reported as duly enrolled.

Also an ordinance and decree creating the office of commissary general, and regulating the offices of quarter-master and pay-master general.

An ordinance and decree increasing the regular army by creating a legion of cavalry.

Mr. Clements from the committee on military affairs, made the following report which was adopted:

Inasmuch as Colonel Sandoval has been released, or set at liberty upon his parole of honor, your committee deem any further action on the part of the General Council as unnecessary, and beg leave to be hence discharged.

The executive secretary presented the following message from the Governor, which together with the accompanying documents was referred to the committee on military affairs.

#### EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—

I herewith transmit to your body two appointments which purport to have been made by the commander-in-chief of the volunteer army at Bexar. I lay them before by special request, well knowing that you understand your duties in that particular, and as such, will appreciate those appointments in a proper manner. The campaign against Bexar seems to have terminated by capitulation. It is now time for the Government to bring every thing under its own proper control, and pursue the organic system in place of confusion, or desultory warfare. This alone can cure evils, which necessitous precipitancy has thrown in upon us. That this newly framed organization, springing from the midst of anarchy and confusion would be sustained without encountering difficulties could not be expected. Restless, disorganizing spirits are, and ever have been, busy both in the camp and at home, with their vile intrigues and machinations to sap the very foundation of all our hopes. Your honorable body cannot be so blind as not to discover their base purposes. I now warn you, to place on them the mark of Cain, as an assurance, that their merited fate awaits them. I have previously admonished you, that no common duties devolve upon you. That a bold

determined stand on your part was necessary to the preservation of the country. The foundation already laid must be sustained, and the fabric reared upon it; it is for you then, who have been entrusted with the charge, to aid by your indefatigable perseverance to complete the building. There is virtue in the people, and they will sustain you.

I am, gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 18, 1835.

Mr. Linn, from the select committee appointed to revise the revenue laws, &c., made the following report, accompanied by a revised ordinance:

Your committee to whom was referred the custom house and revenue laws, beg leave to make the following report:

That the ordinance and decree establishing ports of entry, and duties of impost and tonnage, and for other purposes, should be revised for the following reasons, viz.

1. The bonds and security to be given by collectors are less than would cover the amount of public money that might come in their hands.

2. In the appointing under officers in the custom houses, both the Governor and Council, and collectors had the same authority to make those officers, and the result might be, that two officers might be appointed to the same office, and both appointments be legally made.

3. In the mode the duties were to have been paid, the payment of duties on all sums less than one hundred dollars, cash, and all sums over that amount six months credit; the result would be, that for the first six months no money could be available to the Government from this branch of the revenue, and it would be rather unfair to give an importation of one hundred dollars as much credit as one of five thousand.

4. And also no salaries for the under custom house officers were specified, nor were the entry or clearance fees of vessels defined.

They beg leave to submit to your consideration a revised ordinance and decree on imposts and tonnage duties, and for other purposes.

JOHN J. LINN, Chairman.

The above report was accepted, and the ordinance read the first time. The rule was suspended and the ordinance ordered to a second reading, **when on motion** the Council adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

The ordinance and decree which was under consideration when the House adjourned was taken up and read a second time and after several amendments, was adopted, and on motion of Mr. Barrett was recommitted to the select committee who reported it for enrollment.

The Executive secretary presented, approved by the Governor,

An ordinance and decree increasing the regular army by raising a legion of cavalry.

On motion of Mr. Barrett,

Resolved, that the chairman of the committee on finance be directed to draw an order on the treasurer in favor of the secretary, for the sum of fifty dollars, for the purpose of procuring stationery, lights and fuel.

On motion of Mr. Barrett the rule of the House was suspended and Edward Burleson elected colonel of infantry, to supply the vacancy occasioned by the non-acceptance of Philip A. Sublette.

The election of officers for the legion of cavalry was made the order of the day for to-morrow.

On motion the Council adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 20th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of the proceedings of yesterday being read,

Mr. Barrett from the committee on the state and the judiciary, to whom was referred the petition of S. E. Robertson, reported.

An ordinance and decree for the perfecting of land titles to actual settlers, which was read the first time and ordered to lie on the table.

The letter of Mirabeau B. Lamar to the convention, was referred to the committee on military affairs.

The House proceed to the order of the day, which was the election of officers for the legion of cavalry.

Several communications were read recommending certain persons.

On motion of Mr. Millard the rule of voting by ballot was suspended, and W. B. Travis unanimously elected lieutenant colonel of the legion of cavalry.

On motion the House took a recess of one hour.

**TWO O'CLOCK, P. M.**

The Council met pursuant to adjournment.

And proceeded to the election of officers for the legion of cavalry.

William P. Miller, M. W. Smith and John A. Money were put in nomination.

On counting the ballots there were for Wm. P. Miller fourteen votes.

John A. Money one vote.

Whereupon, William P. Miller was declared duly elected major of the legion of cavalry.

The House then proceeded to ballot for captains, when John N. Seguin, Robert Wilson, John H. Forsyth, B. J. White, Haden Edwards, and John York were duly elected captains of the legion of cavalry.

A letter from J. H. Bell respecting powder forwarded to the volunteer army was read, and on motion of Mr. Royall, referred to the committee on military affairs, with instructions to address a letter to Mr. Bell, expressing the thanks of the Council for his prompt attention in forwarding ammunition, &c.

The House then proceeded to ballot for first lieutenants of cavalry, when William G. Hill, Meriwether W. Smith, Allen Larison, Jonathan Burleson, Placido Benavidas and William Bracken were duly elected first lieutenants of the legion of cavalry.

The House then proceeded to ballot for second lieutenants when Joseph E. Scott, James B. Bonham, John M. Thurston, Manuel Carabajac,

James Drake, J. Bevill, jr. were duly elected second lieutenants of the legion of cavalry.

The House then proceeded to ballot for Cornets, when E. Y. Barbo, John V. Morton, Prospect McKay, W. O. Stuvelin, John O. Goodrich and Darwin M. Stapp, were duly elected cornets to the legion of Cavalry.

The Council adjourned to seven o'clock p. m.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment, and proceeded to ballot for a commissary general; when Mr. Barrett nominated Thomas F. McKinney, who was unanimously elected commissary general.

The House then proceeded to ballot for first major of artillery, to supply the vacancy occasioned by the non-acceptance of William B. Travis; when Francis W. Johnson was duly elected.

The House then proceeded to elect a first lieutenant of infantry, in place of John York, promoted; when F. W. Thornton was duly elected.

The President submitted a letter respecting horses lost by the United State's volunteer companies; which was referred to the committee on public accounts.

The election for commissioners to treat with the Indians, was made the order of the day for Tuesday next.

On motion, the Council went into secret session, and after some time spent therein, the doors were opened.

On motion, the House adjourned to nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 21st, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings having been read,

Mr. Hanks, from the committee on military affairs, reported the following resolution; which was read and adopted:

Be it resolved by the General Council of the Provisional Government of Texas, that William Moore shall be, and is hereby appointed Sutler to the troops at Bexar: Provided, he shall be subject to the orders of the commandant of said post, according to the rules and discipline of war.

WYATT HANKS.

The President submitted a letter from B. B. Goodrich, respecting supplies for volunteers passing through Washington, which was referred to the committee on military affairs.

The House took up the resolution offered by Mr. Powers a few days since, making members of the Council ineligible to any office created by them while members of the Council.

Mr. Clements offered the following amendment:

"All officers in the army shall be ineligible to any office in the civil department, so long as they hold their offices in the army."

Mr. Kerr offered the following amendment to the amendment of Mr. Clements:

“Except in cases of their appointment as commissioners to treat with the Indians under the provisions of the organic law.”

The ayes and noes being called on the amendment of Mr. Kerr, they were,

AYES.—Messrs. Menifee, Linn, Harris, Kerr, Millard, West, Barratt, Parker.—8.

NOES.—Messrs. Clements, Hanks, Royall, Powers, McMullen, Thompson, Mitchell.—7.

So the amendment was adopted.

The question was then taken on the amendment of Mr. Clements as amended, which was negatived; when the question on the passage of the original resolution.

The ayes and noes being called for, there were,

AYES.—Messrs. Clements, Harris, West, Powers, McMullen, Thompson, Mitchell.—7.

NOES.—Messrs. Menifee, Linn, Hanks, Kerr, Millard, Barrett, Royall, Parker.—8.

So the resolution was negatived.

The President laid before the House a letter from John M. Allen, which was read and ordered to be placed on file.

On motion of Mr. Harris,

Resolved, that the thanks of the Council be presented to Captain John M. Allen, and the officers and men composing his company, for the patriotic tender of their services to aid the people of Texas, in defence of their constitutional rights.

On motion, resolved, that Mr. Harris be requested to wait on Captain Allen, and present him with a copy of the above resolution.

The House took up the ordinance and decree prohibiting officers of the army from holding any other office, which was read a second time.

The ordinance and decree making an appropriation for the regular army, and for other purposes, was taken up and read the third time; when the question was taken on its final passage and decided in the affirmative.

On motion of Mr. Barrett,

Resolved, that a committee be appointed to examine into, and report the situation of the printing of the proceedings of Convention.

Messrs. Parker, Millard and Royall were appointed that committee.

On motion of Mr. Barrett,

Resolved, that Messrs. Mitchell, Kerr and Harris, be appointed a committee to examine, in conjunction with Captain B. Sims, such private papers of his as may be among the archives of the land office at this place.

Mr. Royall offered the following resolution, which was adopted:

Resolved by the General Council of the Provisional Government of Texas, that the committee of finance be ordered to draw a draft in favor of William Pettus on the Treasurer, for fifty dollars, for money advanced by him to Captain Allen, as per receipt of the 18th December, 1835, and that the clerk of the committee on public accounts make a record of this resolution for final settlement of William Pettus' account, as contractor, &c.

On motion, the Council adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned to nine o'clock to-morrow.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 22d, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceeding being read,

Mr. Millard, from the committee on enrollments, reported as duly enrolled,

An ordinance and decree making an appropriation for the regular army, and for other purposes.

The Executive Secretary presented approved by the Governor:

An ordinance and decree creating the office of Commissary General, and regulating the offices of Paymaster and Quarter-master General.

An ordinance and decree making an appropriation for the regular army, and for other purposes.

Mr. Hanks, from the committee on military affairs, made the following report, which was adopted:

Your committee, to whom was referred the message of his Excellency, the Governor, of the eighteenth instant, have had the same under consideration, and respectfully report, that the necessity of system and organization, in the place of confusion and anarchy, are urged in said message, as all important in the present posture of our affairs.

It is also the opinion of your committee, that the appointment of a Paymaster for the troops at San Antonio de Bexar, is unnecessary at this time for several reasons.

In the first place, there is no money in the Treasury to pay the soldiers, or for any other purpose.

Secondly—a Paymaster has been already appointed, and will proceed to discharge the duties of his office as soon as the Government has funds. Beside the principal complaint against the General Council is, that too many offices have been created, and to create that number when there is nothing for them to do, the present impoverished state of our finances, would give just cause of complaint.

Your committee cannot under these circumstances recommend the appointment of any additional officer at this time; but as soon as money can be obtained to pay the troops at Bexar, it will be necessary to appoint a Paymaster.

On motion of Mr. Hanks, Mr. Adams had leave to withdraw his papers.

Mr. Parker, from the committee appointed to examine into the situation of the printing of the proceedings of the Convention, made a verbal report on the subject.

Mr. Linn stated to the House that N. Roderiques, who had certain horses in his charge, taken by the volunteer army, wished to be discharged.

On motion of Mr. Royall,

Resolved, that N. Roderiques be directed to deliver the horses put un-

der his care by General Austin, into the possession of Eli Mercer, and take his receipt for the same, specifying the number.

Mr. Clements presented the account of Mr. C. O. Brian, which was referred to the committee of public accounts.

Mr. Clements presented the following resolution, which was adopted:

Be it resolved by the General Council of the Provisional Government of Texas, that Captain James Cheshire be, and he is hereby authorized to purchase provisions and supplies for his company for twenty-five men, on his way home, giving receipts for the same, accompanied by drafts on the Government: Providing, the whole sum shall not exceed two hundred and fifty dollars, and said drafts shall be considered as debts due by the Government.

J. D. CLEMENTS.

Mr. Royall presented the account of Hamlet, Ferguson and A. G. Long.

On motion of Mr. Royall,

Resolved, that the chairman of the committee on finance be directed to draw on the Treasurer in favor of Hamlet, Ferguson and A. G. Long, at four months, for the sum of three hundred and thirty-five dollars, for horses broken down and expenses in going to the army.

On motion, the House adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Royall presented letters from J. G. Robertson and S. Rhodes Fisher, respecting the wreck of the schooner Hannah Elizabeth, which were ordered to be placed on file.

The House then proceeded to the orders of the day, which was the election of commissioners to treat with the Indians.

When Sam Houston, John Forbes and John Cameron were duly elected.

The following resolution, reported by the committee on land and Indian affairs, was then taken up and adopted.

Be it resolved by the General Council of the Provisional Government of Texas, that Sam Houston, John Forbes and John Cameron be, and they are hereby appointed commissioners to treat with the Cherokee Indians and their twelve associate bands, under such instructions as may be given them by the Governor and Council, and should it so happen that all the commissioners can not attend, any two of them shall have power to conclude a treaty, and report the same to the General Council of the Provisional Government, for its approval and ratification.

Resolved, that said commissioners be required to hold said treaty as soon as practicable.

A copy of the above resolutions was ordered to be furnished to each of the gentlemen elected.

Mr. Parker submitted his views respecting instructions to be given to the commissioners; which on motion of Mr. Barrett were, together with the report of J. L. Hood, P. J. Minard and others, referred to the committee on land and Indian affairs, with instructions to report an ordinance, requiring the Governor to give instructions to the commissioners.

On motion, the House went into secret session, and after some time spent therein, the doors being opened,

On motion, the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 23d, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Barrett, from a select committee, made the following report, which was adopted:

Your select committee to whom was referred the letters of General Mexia and others,

Report, that on examing all the papers and documents concerning the plans of co-operating with, and proposals of assistance to the people of Texas, from General Mexia and others, Mexican Liberals.

They would advise that the order from the General Council to Thomas F. McKinney, of the seventeenth instant, be countermanded, as your committee can find no reason for declining the aid of General Mexia, or the aid and co-operation of any Mexican Liberal, whose cause is our cause, as opposed to military despotism; and advise that the advances made to General Mexia by the Government agents, be respected.—But your committee are under the necessity of recommending to this Council, the avoidance of future responsibilities and advances, on account of our Mexican fellow-citizens, whose interests are directing their efforts against centralism, in common with ourselves.

Our Treasury is barren, our resources for present operations must be drawn from foreign capitalists, and of consequence, doubtful. And if the Mexican patriots are induced to act in the common cause, let them depend upon their own resources, as Texas does upon hers. Texas asks no pecuniary aid at the hands of her Mexican brethren; nor is she able to extend it to them. Her citizens will resist the oppression and violation of their rights at every hazard, with or without the assistance of any power on earth; resting confidently that the justice of their cause will secure the sanction of the omnipotent God; who will protect them in their noble efforts to sustain the natural rights of man.

D. C. BARRETT, Chairman  
of the select committee of five.

December 23d, 1835.

Resolved, that the President of the Council be requested to address a letter to Mr. McKinney on the subject of the foregoing report, and that he enclose therein a copy of this report and resolution.

On motion of Mr. West, the House proceeded to the election of first Judge of the municipality of Jefferson, in the place of \_\_\_\_\_, who has not accepted.

When William Millspaugh was duly elected first Judge of the municipality of Jefferson.

On motion, the House adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The Executive Secretary presented the following message from the Governor, which together with the accompanying documents, was referred to the committee on military affairs:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the President and members  
of the General Council.*

GENTLEMEN:—

I herewith transmit to you various documents received from the commander at Bexar.

You will see various bills which they think necessary to be filled out, all of which you will compare and consider. The bills already forwarded to the United States to be filled by special agents, you will take into consideration, and see if any thing additional should be ordered.

Of the article of bread stuff, they seem to be very scarce, and from verbal information, very little is on the way from Gonzales. What orders have been sent to commissaries, for the forwarding of supplies from the West, by way of Labacca, I am not advised, but hope that the necessary means will be used to keep them supplied, with whatever the garrison may need.

You will also see an account in favor of Mr. Arnold, of which you will make the proper disposition.

The documents relating to the creation of officers in the camp, requiring commissions, &c. &c., I have passed over to General Houston, the commander-in-chief, with a request that he proceed to order the proper officers to that point to take command, and reduce the previous disorganization to system.

I also transmit to you, documents this moment received from Capt. Caldwell of Gonzales, who has been engaged in forwarding supplies to the army.

I have also received verbal information, that Capt. Caldwell has unfortunately received a wound which will probably retard the prosecution of his duties for the present. By verbal request of officers, who have been in command at Bexar, I am informed that a Mr. Smith, a deaf man, well known to the army for his vigilance and meritorious acts, has been severely wounded in storming Bexar, and that his family are daily expected in this place, with an expectation that the Council would exercise such guardianship over them as their situation may require. Their head remains in camp, as his services as a spy cannot well be dispensed with. All of which is transmitted to your honorable body for its information, and corresponding effects, by your

Obedient servant,

HENRY SMITH, Governor.

December 23d, 1835.

Mr. Royall, from the committee on public accounts, made the following report, which was adopted; and the chairman of the committee of finance was directed to draw drafts upon the Treasurer, in favor of those

whose accounts had been passed by the committee on public accounts, as appears in the following report, viz:

Your committee to whom was referred sundry accounts, claims and demands, beg leave to report, that they have had the same under consideration, and have passed, recommended to the House for relief, rejected and have under consideration, in the manner set forth in the following statement, viz:

- No. 1 James Greer, account \$96 00, rejected for want of testimony.
- 2 John Lott, certificate \$18 00, rejected for want of testimony.
- 3 G. B. King, account \$10 75, passed.
- 4 Alex Blair, do. 9 12, do.
- 5 Jesse Grimes, do. 54 00, do.
- 6 Ira Westover, do. 29 00, do.
- 7 J. A. Padilla, do. 37 00, do.
- 8 Johnson & Winborn, do. 284 60, do.
- 9 Capt. J. Reed, do. 12 87 1-2, consideration.
- 10 Lewis Boawright, account, rejected.
- 11 T. G. Western, do. referred to House for relief.
- 12 James S. Holman, do. " do. "
- 13 R. R. Royall, do. under consideration.
- 14 Wiley Martin, for negro Peter, account \$144 00, passed.
- 15 Juan Seguine, account under consideration.
- 16 Mrs. A. B. Peyton, account, under consideration.
- 17 J. H. Forsyth, do. rejected for want of testimony.
- 18 John Ingram, account, rejected for want of testimony.
- 19 John Scott, do. " do.
- 20 Stephen Miller, account, \$4 50, passed.
- 21 S. F. Austin, do. under consideration.
- 22 John, an Indian, do. recommended to House for relief.
- 23 John F. Hall, account recommended to House for relief.
- 24 Samuel Leiper, account, \$21 00 passed.
- 25 Claiborne West, certificate, \$99 00, passed.
- 26 Manana Cavera, account, 14 00, do.
- 27 William P. Harris, do. 5 00, do.
- 28 C. B. Stewart, do. referred to the House for disposal.
- 29 J. C. Nelson & Nicholas Herron, account, \$92 00, passed.
- 30 Individuals unknown, accounts rejected.
- 31 Col. Franks, account, \$9 50, passed.
- 32 A. Bell, do. rejected.
- 33 William Pettus, letter &c., under consideration.
- 34 Isaac Best and Dan. Taylor, account rejected.
- 35 R. R. Royall, account, cash advanced, \$61 00, passed.
- 36 Doctor Beasley, a letter of address, recommended to the House for relief.

All of which will be entered in a book so soon as the same can be procured.

R. R. ROYALL, Chairman of the  
Committee on Public Accounts.

December 23d, 1835.

Mr. Millard asked leave to withdraw from the committee of finance—granted.

On motion, Mr. Mitchell was appointed to the committee of finance.

On motion, Mr. Thompson was added to the committee on naval affairs.

Mr. Hanks asked leave of absence during the day.—Granted.

The President submitted a letter from the committee of safety of Beaumont, which was read and referred to the committee on the state and judiciary.

On motion, the House adjourned to seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion, the House proceeded to the election of certain officers of the army to fill vacancies; when Martin K. Snell, was elected second lieutenant of infantry, in place of \_\_\_\_\_, resigned.

Valentine Bennett was duly elected first lieutenant of infantry, in the place of John York, promoted.

Mr. Barrett submitted a letter recommending G. B. Jamison, for an appointment in the engineer department, which was read and laid on the table.

On motion of Mr. Menifee, the House took up the message of the Governor, of the seventeenth instant, containing charges against certain persons therein named, which had heretofore been considered in secret session and directed to be taken up in open session. After some discussion, Mr. Menifee presented a resolution respecting the powers of the Executive; which was read, and the whole subject ordered to lie on the table.

Mr. Millard presented his resignation as a member of the Council, which was accepted.

On motion, it was resolved, that the thanks of this House be voted to Mr. Millard, for his attention and devotion to the interests of his country, while a member of this House.

Mr. Linn, by leave, reported an ordinance respecting imposts and tonnage, which had been recommitted.

The ordinance and decree respecting imposts and tonnage, was made the order of the day for to-morrow.

On motion, the House adjourned to nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 24th, 1835. }

NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings was read.

Mr. Royall presented the account of David Austin, for a horse lost, which account had been transferred to Captain Tho. H. Bruce.

The account was allowed for eighty dollars, and the chairman of the committee of finance directed to draw for the same out of any money in the Treasury not otherwise appropriated.

The following accounts were presented and referred to the committee on accounts:

John M. Allen, Jethro R. Baneroft, three different accounts in favor of Wm. Dunlevy, James I. Halcombe.

On motion, the House adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

A communication from Captain Cheshire was presented, and on motion of Mr. West, was referred to the committee on military affairs.

The accounts of Messrs. Hanks and Milam, for responsibilities assumed for volunteers on thir way to the army, for fourteen dollars and forty-three cents, was allowed, and the chairman of the committee of finance, directed to draw on the Treasurer for the same.

The Executive Secretary presented the following message from the Governor, which, together with the accompanying documents, was referred to the committee on military affairs.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
members of the Council:*

GENTLEMEN:—

I herewith transmit for your information, a communication just received from Bexar, together with the resignation of George Ewing, Esq., who has been appointed and commissioned first Judge of the jurisdiction of Austin, which leaves a vacancy to be filled up. All of which is communicated to your body, for your information and corresponding effects.

By your obedient servant,

HENRY SMITH, Governor.

December 24th, 1835.

On motion, the ordinance and decree regulating the duties on imposts and tonnage was taken up and read, and several amendments offered and adopted.

When the ordinance was ordered to be engrossed under the superintendance of Messrs. Barrett and Linn.

On motion, the Council adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 25th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Barrett presented a corrected copy of the journals of the Convention, which was ordered to be handed over to the printer for publication, agreeably to a resolution of the Convention.

Mr. Mitchell was appointed to superintend the printing of the same.

Mr. Royall presented an ordinance and decree for creating the office of auditor of public accounts, and for other purposes, which was read the first time.

On motion, the rule was suspended and the ordinance read a second time, and ordered to lie on the table until nine o'clock to-morrow morning.

The account of William L. Armstrong for services in the volunteer army, was presented and allowed.

The chairman of the committee of finance was directed to draw on the Treasurer for ten dollars, in favor of William L. Armstrong.

Mr. Armstrong made a statement under oath respecting the account of Mr. Hatton.

Mr. Clements presented a petition from certain officers, asking permission to proceed to Copano, which was read and referred to the committee on military affairs.

Mr. Kerr, from the committee on land and Indian affairs, reported resolutions for instructing commissioners to treat with the Indians; which was read and ordered to lie on the table until to-morrow.

Mr. Menifee presented a petition of several citizens of Austin and Harrisburg for a new municipality, which was referred to the committee on the state and judiciary.

The President submitted a letter from the committee of safety at Liberty, respecting ammunition forwarded agreeably to the order of this Council; which was read and ordered to be placed on file.

Mr. Parker was authorized to dispose of two horses belonging to the Government, and in the possession of William Perry, and report to this Council.

On motion, the Council adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Parker presented the account of James S. Halcomb, which was allowed, and the chairman of the committee of finance directed to draw on the Treasurer in favor of said Halcomb, for forty-three dollars and forty-four cents.

Mr. Hanks, from the committee on military affairs, made the following report, which was read and ordered to lie on the table.

The committee on military affairs to whom was referred major F. W. Johnson's letter of the eighteenth of December, 1835, from head Quarters at San Antonio de Bexar, have had the same under consideration, and from the information contained therein, together with the intelligence received of the movements of general Cos, after his departure from San Antonio de Bexar, from a private source, renders it necessary to concentrate on the frontier, at the most important points, all the troops that can be raised, and that as speedily as possible.

We are also informed by the communication received from Bexar, that advices have been received at that place, stating that general Reuvier Sesma, had arrived at Laredo with five hundred cavalry, and one thousand infantry for the purpose of reinforcing general Cos; and that an army was raising at San Louis Potosi to be commanded by President Santa Anna.

Your committee would therefore recommend, that an express be sent to the commander-in-chief of the regular army of Texas, forwarding to him a copy of the letter received from Bexar of the eighteenth ultimo; and the private intelligence of the movements of general Cos, and further; that Colonel J. W. Fannin be ordered to proceed, forthwith, to the west, and take command of the regular and auxiliary troops, and that Col. Travis be ordered to repair, with all possible dispatch, to the frontier or

the seat of war, with all the troops he can bring into the field at this time, under his command; and that the troops at Washington, and such as may be on the Gaudaloupe, will be ordered to repair immediately, to Goliad, Copano, or Bexar, for the purpose of co-operating with, and acting in concert in the general defensive or offensive operations, which may be ordered or deemed necessary.

Your committee would further earnestly recommend, that the commander-in-chief, be ordered to concentrate all the troops under his command, or that can be brought into the field, at Goliad, or Copano, with all possible dispatch, taking care at the same time, to procure by his contractors, the necessary supplies of provisions for the sustenance of his troops, and that his orders be executed with all promptness and dispatch. And further that the commander-in-chief be required to arrange, and give orders to his recruiting officers, and make such disposition of his recruiting officers as may be deemed best by him.

Therefore your committee recommend the adoption of the following resolutions.

Inasmuch, as the number of troops fit for duty now in the field is very much augmented: there being four hundred troops now at Bexar, seventy at Washington, eighty at Goliad, two hundred at Velasco, and several companies on their march to the different military posts and places of rendezvous; making in the aggregate seven hundred and fifty men, now in service, and ready for active operation; and at least one hundred more, not enumerated in the above aggregate who will join the army in a few days. Active operations should be immediately commenced. For the expense of the above number of men, now in service, together with the officers and contingent expenses, are too great for Texas, in the present state of her finances. Besides to keep the troops idle, who have entered the service, will do us great injury at this time. It will induce those who are willing to aid us, to believe that we have no use for any more troops; and it will give our enemies time to fortify Matamoras and Laredo; so they can demonstrate upon us in the spring or whenever they think proper; knowing that their fortifications would enable them to retreat securely, even if they were defeated, and should it become necessary to take either of the aforesaid places, for the security of our frontier, it will be far more difficult, than it would be at this time. And no man can doubt the importance and necessity of striking a decisive blow, at once, by taking Matamoras, we have the possession of the key! yes, the commercial depot of the whole country north and northwest, for several hundred miles. We can then fortify the place; demonstrate, when an occasion presents itself, or it becomes necessary, upon the towns north and west. We can also land provisions, and all the munitions of war, and troops if necessary at that point (Matamoras) at any time with perfect safety, and without incurring half the expense or risk we must at present. And we can also command the Gulf of Mexico from that point to the city of New Orleans, and land our troops and supplies wherever we please.

Therefore be it resolved, by the General Council of the Provisional Government of Texas: That his Excellency Henry Smith, Governor, be and he is hereby earnestly requested to concentrate all his troops, by his proper officers, at Copano and San Patricio for the purpose of carrying into effect the objects expressed and contained in the foregoing report.

Be it further resolved, that no officer of the regular army of Texas

shall receive pay until he is in actual service, under orders of the commander-in-chief.

Mr. Hanks from the same committee presented the following report, which was read and adopted.

Your committee to whom was referred the petition of certain officers asking permission to proceed to Copano, have had the same under consideration, and would respectfully recommend to the honorable the General Council that his excellency the Governor be requested to give said petitioners permission or orders to proceed to Copano to fortify and defend said place, until they receive further orders, and that his excellency, Henry Smith, Governor, be requested to notify the commander-in-chief of the regular army of Texas of the same.

Your committee deems it important to order Capt. Allen to that point, and also to accept the service of such volunteers as tender their services, to aid Captain Allen and his company for many important reasons. In the first place, provisions ammunition, and supplies will be ordered to Copano by our agents in New Orleans, and they will be liable to be taken by our enemies, unless a sufficient force is stationed there to guard them. Besides, we are threatened with a large army under the command of Santa Anna; and by building fortifications at different points on the frontier of our state we shall be able to contend against a much superior force to what we otherwise should. It will also throw an additional number of troops on the frontier to co-operate and act in concert with the regular and auxiliary troops, should a large force be sent to invade us immediately; which we have every reason to believe will be the case, and that before we can even raise and organize a regiment of the regular army.

Your committee would therefore respectfully recommend the honorable, the General Council, the adoption of the following resolution.

Resolved, That Captain Allen's and J. Cheneweth's petition together with this report be copied by the secretary and handed to his excellency Henry Smith, Governor of the Provisional Government of Texas.

The president submitted several communications from Nacogdoches and other places, which were read and referred to the committee on the state and judiciary.

On motion of Mr. Royall, the vote ordering the ordinance and decree for creating the office of Auditor, to lie on the table was reconsidered and the ordinance recommitted with instructions to amend it by creating the office of comptroller.

Mr. Royall presented the account of John W. Allen, which was allowed, and the chairman of the committee of Finance directed to draw on the treasurer in favor of said Allen, for two hundred and twenty five dollars.

The House took up the message of the Governor of the seventeenth instant, containing charges, &c., which had been laid on the table on the twenty-third.

When the resolutions offered by Mr. Menifee were amended, and passed unanimously in the following form:

1st. Resolved by the General Council of the Provisional Government of Texas, That this Council does not recognize or acknowledge any power in the executive branch of said Government, to object to, or veto appointments to office made by this Council. That the appointing power is exclusively with the Council, and the commissioning is a duty of the Gov-

error, consequent upon his office; and even if otherwise, the veto as returned upon the list of officers appointed by this Council, dated the eleventh instant, was not returned within the three days prescribed by the ordinance and decree declaring the mode of passing, signing and publishing the ordinances, decrees and resolutions of the Provisional Government of Texas. The list of officers appointed was sent to the executive office the twelfth of December, and returned December seventeenth.

2d. Resolved, that by the eleventh article of the organic law, this Council can only consider charges and specifications preferred against a member of this Council, for malfeasance or misconduct in office.

3d. Resolved, that the charges of this character preferred by the Governor in his message of the seventeenth instant, against D. C. Barrett, the General Council repel, as being untrue; and the other charges are not a subject matter proper to be investigated by this Council, according to the aforesaid article of the organic law.

4th. Resolved, that the Governor be, and he is hereby requested, to issue commissions, forthwith, to the persons named in the certified list of the persons elected under date of the eleventh instant.

5th. Resolved, that the Governor be furnished with a copy of the foregoing resolutions.

On motion of Mr. Menifee the seals of secrecy were removed from all the proceedings in secret session up to this date.

On motion of Mr. Kerr:

Resolved, that the message of the Governor of the seventeenth instant be filed among the papers of the Council, and not entered on the journal.

Mr. Mitchell, asked and obtained leave of absence for a few days.

On motion, the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 26th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Barrett from the committee on the state and judiciary, offered the following resolution, which was read and adopted:

Resolution for paying the secretary of the council and chief clerk of the state and finance committee, &c.

Be it resolved by the General Council of the Provisional Government of Texas, that the chairman of the committee of finance, be required to give to E. M. Pease, Esq., secretary of the General Council, an order upon the treasurer for fifty dollars, to apply on his per diem wages, also a like order, for the same sum, in favor of J. W. Moody, chief clerk of the state and finance committees, to apply on his per diem wages.

Be it further resolved, that the treasurer be required to hold the balance of all money in the treasury, or that may come therein, as appropriated to the contingent expenses of this house, for paying expresses, and expenses for sick and destitute soldiers, and for no other purpose until further directed by the General Council.

Mr. Menifee presented the account of James Kerr, for a horse taken

by the express rider to Bexar, which was referred to the committee on public accounts.

Mr. Linn presented the account of captain Allen for provisions and property taken for his company, which was referred to a select committee of three consisting of Messrs. Linn, Menifee and Harris.

Mr. Thompson offered the following resolution, which was read and adopted:

Resolved, that the town at the falls of the Brazos river in the Nashville colony heretofore known by the name of Viesca, be altered to that of Milam and that the municipality in which it is situated be known by the name of the jurisdiction of Milam.

Edward B. Wood of Kentucky made a tender of his services to aid Texas in her present struggle. The subject was referred to the committee on military affairs.

Mr. Powers presented the petition of William Bromley for an appointment in the engineer department, which was read and referred to the committee on military affairs.

On motion of Mr. Kerr, the resolution for instructing the commissioners appointed to treat with the Indians, was taken up, several amendments were offered and adopted, when the resolutions were passed in the following form:

Be it resolved by the General Council of the Provisional Government of Texas, That Sam Houston, John Forbes and John Cameron, appointed commissioners to treat with the Cherokee Indians, and their associate bands, be and they are hereby instructed to proceed as soon as practicable to Nacogdoches, and hold a treaty with the Indians aforesaid, and that they shall in nowise transcend the declarations made by the consultation of November last, in any of their articles of treaty.

Be it further resolved, that they are required in all things to pursue a course of justice and equity towards the Indians, and to protect all honest claims of the whites, agreeable to such laws, compacts, or treaties, as the said Indians have heretofore made with the republic of Mexico, and that the commissioners be instructed to provide in said treaty with the Indians, that they shall never alienate their lands, either separately or collectively, except to the government of Texas, and to agree that the said government will, at any time hereafter, purchase all their claims at a fair and reasonable valuation.

Be it further resolved, that the Governor be required to give to the commissioners such definite and particular instructions, as he may think necessary to carry into effect the object of the foregoing resolutions, together with such additional instructions as will secure the effective co-operation of the Indians, at a time when it may be necessary to call all the effective force of Texas into the field, and agreeing for their service in a body for a specified time.

Be it further resolved, that the commissioners be authorized and empowered to exchange other lands within the limits of Texas, not otherwise appropriated, in place of the lands claimed by said Cherokee Indians, and their associate bands.

On motion of Mr. Barrett, Mr. Powers was requested to communicate to the commissioners, his willingness that an exchange might be made with the Indians for lands within the contract of Mr. Cameron and himself, and to leave a copy of said communication with the Council.

Mr. Parker presented an account of Henry Millard, for monies paid for expresses and stationery; which was referred to the committee on public lands.

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Linn from the committee on enrollments, reported as duly enrolled, a resolution for instructing the commissioners appointed to treat with the Cherokees.

On motion of Mr. Harris,

Resolved, that a committee of three be appointed to take up all claims rejected by the committee on public accounts, who shall collect and examine the evidence respecting them, and if in their opinion such claims are equitable and just, to report an ordinance or resolution for their relief. Messrs. Harris, Menifee and McMullen were appointed that committee.

Mr. Royall from the committee on public accounts, made the following report, which was adopted, and the chairman of the committee of Finance, was authorized and directed, to draw orders upon the Treasurer in favor of the respective persons therein specified, for the specific amounts allowed them.

Your committee to whom was referred sundry accounts, claims and demands, beg leave to report that they have had the same under consideration, and have passed them as follows, viz:

No. 17. A certified discharge out of the service of the federal army of Texas, for two months and thirteen days service, ending on the fifth of December, 1835, which is passed for the amount of forty-eight dollars, sixty-six cents, in favor of Joshua Canter.

No. 18. A certified discharge out of the service of the federal army of Texas, for two months service, ending fifth December, 1835, which is passed for the amount of forty dollars in favor of Nicholas Kelly.

No. 20. A certified discharge out of the service of the federal army of Texas, for two months and thirteen days service, ending on the fifth day of December, 1835, which is passed for the amount of forty-eight dollars and sixty-six cents, in favor of John Bougnieno.

No. 21. A certified discharge from Captain M. R. Goheen's company, for one month and twenty-six days service, ending the 24th November, 1835, which is passed for the amount of thirty-seven dollars, thirty-three cents; also a certificate from W. S. Thomas, quarter-master, for seventeen dollars, seventy-five cents, for corn furnished Captains English and Bradley's companies, the thirtieth October, 1835, which is passed, both of which items are in favor of John Ingram, making an aggregate of fifty-five dollars and eight cents.

No. 23. A certified discharge out of the service of the army and company of Captain George English for two months and three days service, ending on the fourteenth December, 1835 which is passed for the amount of forty-two dollars in favor of A. H. White.

No. 24. 25. A certified discharge out of the service of the federal army of Texas, for two months and twenty-five days service, ending thirteenth December, 1835, which is passed for the amount of fifty dollars sixty-six cents. Also a certificate from John York, captain of the Brazos Guards,

for the loss of a gray mare, (American,) appraised by William Dunlevy and Andrew Devoult, at seventy-five dollars, making an aggregate of one hundred and twenty-five dollars, sixty-six cents, in favor of Benjamin C. Wallace.

No. 26. An account sworn to and passed for the amount of seven dollars, in favor of Henry Millard, for stationery, and cash furnished for the use of the House, &c.

No. 27. A certificate and affidavit for a horse of a dun color, valued at sixty dollars, which amount is passed in favor of James Kerr.

No. 28. An account made up from the discharge, as Mr. Hall wished his discharge to accompany him back to the United States, examined and passed for twenty dollars, in favor of John F. Hall.

R. R. ROYALL, Chairman of  
Committee on Public Accounts.

Mr. Royall, from the same committee, also made a verbal report of the account of John W. Fogg, for one hundred and sixteen dollars, sixty-six cents; which was allowed and the chairman of the committee on finance authorized and directed to draw upon the Treasurer in favor of said Fogg for that amount.

Mr. Hanks presented the following resolution, which was adopted:

Resolved, that all commissioned officers in the regular army of Texas, when ordered on the recruiting service, shall be authorized and empowered to administer the oath prescribed by law, to all or every person or persons, who shall enlist into the service of Texas, and sign enlistments as a soldier in the regular army.

Mr. Hanks presented "an ordinance and decree creating the offices of Auditor and Comptroller of Public Accounts for Texas;" which was read a first time, when the rule was suspended, and the ordinance read a second time, and after some amendments, the rule was further suspended, and the ordinance read a third time, when the question was taken on its final passage, and decided in the affirmative.

The Executive Secretary presented a message from the Governor, which was read, and which, together with the accompanying documents, was referred to the committee on the state and judiciary.

The following is the message:

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—

I transmit to your body a transcript made from a communication just received from John Forbes, Esq. of Nacogdoches, a part of the communication being of a private character, precludes its introduction, except such part as relates to the public.

Mr. Forbes encloses back a commission, which had been previously sent to him, which I herewith transmit to you with these remarks, as a reason why it was returned. That he had previously received the appointment of first judge of that municipality, and in obedience to an ordinance and decree regulating offices under this Government, he felt bound to decline his acceptance to the last commission, and as such re-

turned it with these remarks. And furthermore says, "that owing to the combined and active opposition of some six or eight speculators, sustained by individuals from the States, who employ them to engross the lands that are properly the public domain, that the intentions of the Government and its acts relating to the public lands, and even its judicial acts, have been delayed and interrupted, greatly to the injury of the public."

He further says, "I should be happy to receive from the Council some rules for my government as judge; the duties of which I shall endeavor faithfully to discharge."

He says further, "I am solicitous to learn whether the two per cent. duties, which have heretofore been laid for the use of the State, is yet in force." And concludes by saying, "a good set of uniform laws or decrees, regulating and governing the judiciary, would have a beneficial influence, &c."

Your honorable body will plainly see from the foregoing, the situation of the land offices to the East, and that the acts of the Convention have not been carried into effect; nor does it appear that they can be, short of a military force, and whether such a course would be calculated to produce any salutary effect, is for your honorable body to determine. That some kind of effort should be made by us to sustain and protect the public interest, must be obvious to all. While we are contending with a powerful foe, even for our very existence, that we should find men among us capable of committing piracies both on sea and land, is, I must admit, rather discouraging; but permit me to say to you, that every opposition has a powerful tendency to stimulate me to a greater exertion, and I hope it will have the same effect on your honorable body.—Opposition, strong, vigilant and persevering was by me anticipated, hence I am never taken by surprise, or deceived in the persons who stir up. They never considered the public good, but seek their own private interests; hence they are ever vigilant and on the wing. It is made our duty to guard and protect that which they wish to destroy. They dread organization as a great evil, because honest investigation follows as a matter of course, which they dread; preferring darkness to light, because their deeds have been evil.

These men have their unprincipled hirelings and satellites to operate, and endeavor to keep themselves behind the screen; they may not be generally known to your body, and as such, will no doubt, often attempt to practice fraud upon you, by their insinuating approaches. Me, they seldom approach: they may overpower, but never can deceive.

I consider that we are discharging the public trust confided to us by the representatives of the people, and that our duties should be performed with that energy and promptitude which the true interests of the country and the expectations of the people require at our hands; regardless of all other considerations, I would recommend to the consideration of your honorable body, the propriety of some efficient force to be adopted, to carry into effect the decrees of the late Convention, and also the decrees of the Provisional Government, predicated on their authority. Let us honestly and faithfully discharge our duties, and the people will sustain us.

I am entirely at a loss to know what is meant in the inquiry of Mr. Forbes respecting the two per cent. duty, heretofore collected in favor of

the Government, and whether it is still continued, &c. I have never known any such duty, or law having been in force.

I am gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 26th, 1835.

Mr. Linn presented the account of N. Roderigues, for taking care of public horses. Twenty-five dollars were allowed, and the chairman of the committee of finance authorized and directed to draw an order on the Treasurer for the same.

Mr. Royall, from the committee on military affairs, to whom was referred the proposition of M. B. Lamar, of Columbus, Georgia, for raising a company, offered the following:

Resolved, that his Excellency the Governor, be requested to address Mr. Lamar on the subject, and enclose him a copy of the ordinance and decree for raising an auxiliary volunteer corps; which was adopted.

Mr. Barrett, from the select committee of five, to whom was referred the communications of General Mexia, and sundry other persons, made a verbal report, asking to be discharged from the further consideration of the subject; which report was accepted and the committee discharged.

Mr. Barrett, from the committee on state and judiciary, to whom was referred the petition of certain persons in Austin and Harrisburg, reported an ordinance and decree, creating the municipality of Fort Bend, and organizing the same; which was read a first time and ordered to lie on the table.

On motion, the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 27th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Linn, from the committee on enrollments, reported enrolled,

"An ordinance and decree, creating the offices of Auditor and Comptroller of public accounts for Texas."

"A resolution changing the name of the municipality and town of Viesca, to Milam."

"A resolution authorizing the commissioned officers of the regular army to administer oaths to those who enlist."

Mr. Hanks, from the committee on military affairs, reported "an ordinance and decree prescribing the manner in which the volunteer army shall present their claims;" which was read the first time and laid on the table.

Mr. Barrett, from the committee on the state and judiciary, reported "an ordinance and decree for perfecting titles to actual settlers;" which was read the first time and laid on the table.

Mr. Linn, from the select committee, to whom was referred the accounts of Captain Allen, made the following report, which was read and adopted:

Your committee, to whom was referred the accounts and vouchers for property, as presented by Captain J. M. Allen, beg leave to make the following report:

1st. That the within receipts ought to be handed to the auditor, as they are duplicate amounts of debts due by the Government, to the individuals as expressed by the receipts.

2d. The annexed list shews what articles are in the hands of Captain J. M. Allen, which belong to the public; and your committee think it proper to say, that they deem it due to Captain J. M. Allen and his officers, for having paid all attention to the public interest that circumstances would admit.

JOHN J. LINN, Chairman.

A list of articles left by Captain J. M. Allen in the care of Benjamin Beason, on the Colorado.

- 14 Kegs powder,
- 1 Box cannon powder,
- 2 Figs lead,
- 1 Box sundries, shoes, &c.
- 1 Bbl paper and 13 catridge boxes,
- 1-2 Keg epsom salts,
- 3 Swords,
- 13 Muskets,
- 1 Box catridges,
- 1 Box said to contain catridge boxes amounting to 30.
- 1-2 Bushel salt,
- A part of a box of tobacco,
- 1 Axe,
- 1 Waggon,
- 1 Waggon tent,
- 4 Chains,
- 4 Yoke of oxen.

By F. W. THORNTON,  
First Lieutenant.

Mr. Royall presented an ordinance and decree for defining and fixing the boundaries of the municipality of Matagorda, which was read the first time, when the rule was suspended, and the ordinance read a second and third time, when the question was taken on its final passage, and decided in the affirmative.

Mr. Kerr offered the following preamble and resolutions, which were read and adopted:

Whereas, by the eighteenth article of the treaty of capitulation, made with General Cos, at Bexar, on the 11th December, 1835, the prisoners of both armies up to that time shall be put at liberty: Therefore,

Be it resolved, and it is hereby resolved, that the prisoners, Ensign Antonia de La Garza and Cadet Juan de La Garza, be set at liberty on their parol of honor, not in any way to oppose the re-establishment of the federal constitution of 1824, according to the first article of said capitulation.

Be it further resolved, and it is hereby resolved, that the Governor be requested to correspond with the commanding officer at Matamoras, and

propose an exchange of such of our citizens, passengers in the *Hannah Elizabeth*, as may have fallen into his power, for an equal number belonging to the Schooner *Bravo*, now in our possession at Matagorda.

Mr. Parker, from the committee to whom the subject was referred, made the following report, which was adopted and the committee discharged:

Your committee of one, to whom was referred the subject matter of disposing of two horses, belonging to the public, left at the house of Mr. Perry, between this and Washington, respectfully reports, that he has met no opportunity of disposing of said horses, and requests to be relieved from any further consideration on that subject.

D. PARKER.

Mr. Linn presented a resolution providing for the erection of a monument to the memory of Benjamin R. Milam, at San Antonio de Bexar, which was adopted; and his Excellency, Henry Smith, James Cockran, John R. Jones, Gail Borden and John H. Money, were appointed a central committee to carry into effect the objects of the resolution.

The following accounts for services and losses, in the volunteer army were presented and allowed, and the chairman of the committee of finance directed to draw an order on the Treasurer for the same, in favor of the respective individuals.

Thomas J. Golightly, eighty-five dollars.

John Dabney, forty-eight dollars.

Stephen Williams, eighty dollars.

Mr. Hanks presented the petition of John D. Nolan, for a mule lost in the volunteer army, which was referred to the committee on public accounts.

On motion, the House adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Kerr moved that a committee of two be appointed to receive the parol of the Mexican prisoners, which was agreed to, and Messrs. Kerr and Linn were accordingly appointed.

On motion, it was resolved, that the chairman of the committee of finance be permitted to draw orders in such sums as claimants may wish, for claims allowed by the Council: Provided, the same shall not be less than twenty-five dollars.

The following accounts were presented and allowed, and the chairman of the committee of finance directed to draw orders upon the Treasurer for the same, in favor of the respective individuals, viz:

William Dunlevy, ninety-eight dollars and thirty-three cents.

A. H. White, (an additional allowance,) ten dollars.

Daniel Bourne, thirty-nine dollars, thirty-three cents.

Andrew Lawson, fifty-four dollars.

T. G. Western, two hundred and fifty-seven dollars and forty cents.

D. Gallahar, fifty-three dollars and thirty-three cents.

Mr. Barrett, from the committee appointed to enroll and correct the ordinance and decree establishing and imposing duties on imposts and tonnage, and for other purposes, reported the same enrolled; which was

read the third time, when the question was taken on its final passage, and decided in the affirmative.

On motion, the committee of finance were discharged from the further consideration of the petition of John J. Linn, and the petition was referred to the committee on the state and judiciary.

On motion of Mr. Hanks, the report of the committee on military, respecting the disposition of the troops, &c., was taken up and adopted.

The ordinance prohibiting officers in the army from holding other offices, was taken up and postponed until the fourth day of July next.

The resolution directing Captain Allen to proceed to Copano, was taken up and indefinitely postponed.

The committee on military affairs presented the following report, which was considered and adopted:

Your committee, to whom was referred the letter of B. B. Goodrich, have had the same under consideration, and beg leave to report, that it is impossible to enlist men in the service, or obtain aid, unless provisions are furnished to them, for very few of them have the means of subsistence; and we cannot expect aid, either at home or abroad, unless some provision is made for their reception and subsistence, and we have satisfactory information, that persons are now at Washington, and daily arriving, who have come with the avowed object of assisting Texas in her present struggle, and we have declared to them through our agents, as well as otherwise, and to our friends throughout the United States of the North, that ample provision shall be and is made for them, and inasmuch as there is no money in the Treasury at present, and to counteract the evil that must grow out of the present state of things; your committee recommend the adoption of the following resolutions:

Be it resolved, that the contractor of the Provisional Government of Texas, at the town of Washington, be and he is hereby authorized, to press provisions for the men going to the army, or such as intend joining the army: Provided, they cannot be purchased; and to give drafts upon the Government aforesaid for the same; and that said debts be considered as cash due by the Government; and that said Contractor be, and he is hereby authorized to call upon the civil authorities to assist him to obtain said provisions, if necessary.

Be it further resolved, that the Secretary furnish a certified copy of this report and resolutions, and forward the same to the Contractor at Washington, on the Brasos.

The ordinance and decree creating the municipality of Fort Bend, was taken up and read the second time; when, on motion of Mr. Harris, it was laid on the table until to-morrow.

Mr. Linn, from the committee on enrollments, reported as duly enrolled,

“An ordinance defining and fixing the boundaries of the municipality of Matagorda.”

Also, “a resolution respecting an exchange of Mexican prisoners.”

On motion, the House adjourned till to-morrow, nine o'clock, a. m.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 28th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceeding being read,

Mr. Hanks, from the committee on military affairs, made the following report; which was read and adopted:

Your committee, to whom was referred Mr. Arnold's account, beg leave to report, that it has not the necessary proof or vouchers, accompanying it, consequently your committee cannot act upon it, but ask permission to return said account to the House for their action, and for your committee to be hence discharged.

The report being approved, the committee were accordingly discharged.

The committee, to whom was referred the letter of Thomas J. Rusk, together with the instructions given by the General Council to Colonel Rusk, to hurry out troops to Bexar, &c., have had the same under consideration and beg leave to report, that the President of the General Council be requested to notify Colonel Rusk to desist from enlisting troops, only for the regular army and auxiliary corps, and to report the same to the commander-in-chief of the army of Texas.

Your committee, to whom was referred the letter of William Bromly, have had the same under consideration, and respectfully report, that Mr. William Bromly's name be placed upon the list of applicants for a situation in the engineer department.

Your committee having examined the letter of recommendation of Mr. Edward B. Wood, would respectfully recommend that his name be placed upon the list of applicants for an office, suitable to his abilities and qualifications, as soon as a vacancy takes place.

Your committee thinks it due to Mr. Wood, as he comes to our country highly recommended, believing it very important to encourage the emigration of young men of education and respectability to our country. For upon such men will ere long devolve the task of legislation and all the arduous duties of Government.

The same committee also reported that they had addressed a letter to Mr. Bell, in pursuance of an order of the House.

Mr. Hanks from the same committee returned to the House a list of the wounded at the storming of Bexar, which was ordered to be placed on file.

The President submitted a letter from E. Hall, agent at New Orleans, which was read and referred to the committee on the state and judiciary.

The President also submitted a communication from S. Rhodes Fisher, respecting the schooner Hannah Elizabeth, which was read and referred to a select committee, consisting of Messrs. Barrett, Royall and Kerr, with power to send for persons and papers.

The following accounts were presented and allowed, and the chairman of the committee of finance, directed to draw orders on the treasurer in favor of the several individuals, for their respective amounts, viz.:

Mrs. M. B. Peyton, thirty-nine dollars.

Joseph Urban, thirty dollars.

Jones and Townsend, fourteen dollars.

Joshua Fletcher, fourteen dollars.

The ordinance and decree for perfecting titles to actual settlers, was

taken up, Mr. Royall offered a substitute for the ordinance which was read, when the ordinance was made the order of the day for this afternoon.

Mr. Barrett from the committee on the state and judiciary, made the following report, which was read and ordered to lie on the table:

*To the Honorable, the General-Council  
of the Provisional Government:*

Your committee on state and Judiciary to whom was referred the Governor's message of the 26th instant, and various letters and documents from Nacogdoches—

Respectfully report, that from the general information contained in the Governor's message and letters from S. H. Everitt, Esq. the only acting commissioner under the fourteenth section of the organic law, in the department of Nacogdoches, and the other documents referred; your committee are unwillingly convinced of the prevalence of a spirit of disorganization, in some parts of that country, which in a more limited degree, also, exists elsewhere in Texas; and that this spirit, the natural consequence of the revolutionary state of our country, a change in its form of government, a mixed population, coming from various parts of the world, strangers to each other and unassimilated in character or habit; but your committee are well convinced, from the knowledge of the Anglo-American character which constitutes the greater part of Texas citizens, that the intelligence and moral feeling of the mass of that people, ever reflective, would have ere this led them to consistency of conduct, and respect for the existing authorities, created by their own representatives, from the present necessity, however crude in organization, yet giving order and affording protection for the time; were it not for ambitious demagogues, designing and sinister speculators, equally destitute of patriotism, and regardless of the people's rights, and every other consideration that obstructs the gratification of their own private ends. Such men, even in a settled and well regulated community, often distract the minds of the honest and undesigning, disturb the harmony of society, until by a severe rebuke from the people themselves, or by the strong arm of the law, their career of wickedness is checked, and they become objects of contempt and infamy. That the good people are troubled from such men among them is by no means unexpected. To guard against the consequences of their evil machinations is our first duty, and involving immense responsibility upon all the officers of the Provisional Government; and we cannot hope to effect this, unless union, prudence, justice and firmness, are the governing motives of all our conduct throughout all our councils.

Your committee most cordially respond to the principles of action recommended to this Council, as necessary to the very existence of order and respect for the laws, and are fully aware of the magnitude of the evil and deep injury to the country, consequent upon the intrigues, frauds and uncontrolled ravages of the daring and unprincipled land speculators, who infest the country, agitating the public mind with base falsehoods, and keeping up discord, distrust and disrepute to their own and only source of present protection, and last barrier against anarchy and internal war, the Provisional Government of Texas. Your committee confidently assure his excellency that the General Council know these

men too well to be deceived by them; and while acting under the influence of principles hitherto governing the conduct of this body, feel that the virtue and intelligence of a free people will sustain their acts. Confiding in the certain effect of such motives as tending to the objects of our existence, when strengthened with the unanimity and concert of the co-ordinate branch of this Government, your committee would respectfully call the attention of the Provisional Government to the following views:

1st. To the situation of the commissioner, S. H. Everitt, Esq., who, standing alone with a high sense of duty to his country, has subjected himself to the malice of wicked men, whose ill-nature he contemns, and whose threats he defies. But in this situation, although ably sustained by many high minded patriots, he has been unable to accomplish the work entrusted to him by the representatives of the people. Other causes than resistance have prevented. The non-acceptance of the other commissioners appointed; the scruples of Judge Forbes (appointed by the Council, to act in the place of Mr. Sigler) to accept the trust, as inconsistent with his office of judge, and the great distance of this seat of discontent and disorganization from the head of the acting authorities of Texas; have all contributed to give impunity and success to the leaders of the opposition to the country's interests and safety. This turbulent insubordination to all order and government, your committee hoped to have seen subdued by means of a mild course, thus far pursued in all our councils concerning the authors of such dangerous practices. Your committee advise the appointment of G. W. Smith as a committee to act with Dr. Everitt and Judge Forbes, in carrying into effect the fourteenth section of the organic law; and advise that the provisions of the ordinance and decree of this Government, referred to by Judge Forbes, as inducing his unwillingness to act in the matter, does not contemplate this case. The objects of that law are clearly confined to officers, and do not extend to agencies, of which this is considered as one.

And the committee further advise, that the Governor be requested on returning the commission to Judge Forbes, so to instruct him and request his acceptance of the trust, as for the good of his country. And your committee recommend that the Governor instruct the commissioners, that their duties are plainly comprehended in the language of the fourteenth section of the said organic law; which is to take all papers, archives, &c., from the several land offices, and deposit them in safe places, &c. subject to the order of the Governor and Council; that their duties extend equally to such archives of the political chiefs, alcaldes and all other officers as are relating to lands, and to command all such officers and all persons engaged in surveying and locating lands, to cease their operations, until the future orders of this or a succeeding government of Texas. All this the said commissioners are authorized and empowered to effect; but in case of resistance on the part of any one contemplated in this act, no mode of power or compulsion seems given to the commissioners, consequently provision must be made by Government.

By the last section of the organic law, full and ample powers are vested in the Governor and Council to carry into effect the said organic law, and all the decrees and resolutions of the Convention. The Council must determine the mode, the Governor see to the execution.

Your committee therefore advise that the Governor be authorized and required to make out in a proper manner, the common law writ of assistance, commanding all officers, whether civil or military, and all good citizens of Texas, to be at any and at all times, when required, aiding and assisting said commissioners, or any two of them, in the execution of said commission, and that on any person or persons refusal, when thus called upon by virtue of such writ of assistance, to render prompt and efficient aid, he or they shall be fined in a summary way, on due proof, in any sum not extending over one hundred dollars.

Your committee further advise, that the Governor in his instructions to said commissioners, require them to use all possible prudence and forbearance, consistent with the honor and dignity of the state, in the execution of their trust, and not resort to physical force, until other measures are exhausted and unsuccessful.

Your committee being sensibly impressed with the necessity of framing an ordinance for the better defining the duties of judges and other officers of justice, and regulating fees, &c. recommend that the proper committee be required to report an ordinance to the Council without further delay, and said committee already merits the just censure of this House for so long delaying a duty imperatively required of the Government by the organic law; but advise, that all judges having a knowledge of the common law of England, will at once see their duties explained in the administration of criminal justice, and in writs of Habeas Corpus as well in the definition of crimes, as in the form of executing the laws. The principles are applicable throughout, and well adapted to the understanding and habits of our citizens generally. For testamentary powers are also given to judges. And your committee advise that these powers are regulated by the heretofore existing laws of the land, whether provided by the statutes, or as regulated by the law partidas, or other principles of the civil law.

Notarial powers are to be executed under and by the provisions of the same laws, with this difference, perhaps, that all judges are, by the organic law made public notaries without a special commission.

Attachments, sequestrations and arrests are regulated by the civil code and code of practice of the state of Louisiana. All other civil proceedings being suspended, until otherwise directed by the Government, your committee would advise that it would be impossible to give further instructions upon the duties of judges unless by writing out a system of laws, copied from all the above, which have long been in use in Texas.

From other documents referred, your committee are satisfied, that the postmaster of Nacogdoches greatly contributes to the prevailing disorders and discontents among the people there, by withholding communications calculated to inform and undeceive them, as respects the acts of their convention and of the Government; and acting in concert with the land speculators and other evil disposed persons, to the great injury of the public tranquillity and safety; and therefore advise that the postmaster general be required to discharge the said postmaster at Nacogdoches from office, and appoint some one, whose patriotism and love of order will produce a respect for the Government of the people, and obedience to the laws.

Another subject worthy of consideration is presented to your committee by the papers referred, which is an appropriation of public monies in

Nacogdoches, for the necessary expenses of the commissioners, and paying express riders between the Government and Nacogdoches. No provision has been made for compensation to commissioners, or for their necessary contingent expenses; and as frequent communications may be required between the commissioners of that department and the Government, your committee advise that the said commissioners be authorized to draw upon the collector of Nacogdoches from time to time, so that the whole sum shall not exceed five hundred dollars, which shall be accounted for, and settled in the same manner of other public accounts; and that said commissioners be instructed, to keep the Government regularly advised of their proceedings, until they shall be able to report their trust executed.

Your committee, therefore advise the adoption of the following resolutions.

1. Resolved, that John Forbes be requested to accept his appointment as a commissioner in the Nacogdoches department, to unite in carrying into effect the provisions of the fourteenth section of the organic law of the Provisional Government of Texas; and that his acceptance thereof is hereby declared compatible with his duties as judge.

2. Resolved, that G. W. Smith be, and he is hereby appointed a commissioner for the aforesaid department, for carrying into effect the provisions of the said fourteenth section of the organic law; and that the Governor be required to instruct the commissioners of said department, agreeably to the foregoing report, a copy of which shall be furnished him with these resolutions.

3. Resolved, that the said commissioners be, and they are hereby authorized to draw upon the collector of the department of Nacogdoches, from time to time, for any sum or sums, in all not to exceed five hundred dollars, and that they account for, and settle the same, in the same manner as other officers of the Government.

4. Resolved, that the post master general be required to dismiss Henry Raguet, the postmaster of Nacogdoches, and appoint some one in his place of known integrity, and who will respect and obey the laws of the land.

5. Resolved, that the Governor at his pleasure, may give instructions to any judge commissioned by him, agreeably to the provisions contained in the foregoing report.

6. Resolved, that the Council will render the executive every necessary assistance, by advice or other suitable co-operation, in giving prompt and efficient execution to the duties of the department; and in giving stability and confidence to the Government, by uniting in prudent and wise councils for the protection of the people, and the safety of the country, involved in the calamities of disorganizers at home, and war within our borders.

7. Resolved, that the Governor be required to execute and carry into full effect the fourteenth section of the organic law, as contemplated by its provisions throughout all Texas; and that he be vested with full powers to do so.

On motion the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The ordinance for perfecting titles to actual settlers was taken up.

Mr. Harris moved its indefinite postponement. The ayes and noes being demanded, they were as follows, viz:

AYES—Messrs. Clements, Linn, Harris, Hanks, West, Royall, Powers, and McMullen—8.

NAYS—Messrs. Menifee, Kerr, Barrett, Parker and Thompson—5. So the ordinance was indefinitely postponed.

Mr. Royall had leave to withdraw his substitute.

On motion of Mr. Clements a committee of three was appointed to prepare an address to the people on the subject of opening land offices, &c. and Messrs. Clements, Barrett and Powers were appointed that committee.

The President submitted a letter from H. McHanks, declining the first lieutenancy of the rangers, which resignation was accepted.

Also the non-acceptance of John V. Morton of the commission of cornet of cavalry, which was also accepted.

The President also submitted an official list of the killed and wounded at the storming of Bexar, which was read and ordered to be placed on file.

The following accounts were presented and allowed, and the chairman of the committee of finance directed to draw orders upon the treasurer in favor of the respective individuals for their several amounts, viz.:

Samuel Stivers, two hundred and fifty-three dollars, thirty seven and a half cents.

John M. White, forty-two dollars.

H. McHanks, sixty-one dollars, sixty-seven cents.

H. Walker, forty-six dollars, sixty seven cents.

Francis Johnson, forty-six dollars sixty-seven cents.

James S. Holman, one hundred and one dollars, eight cents.

John D. Nolen, eighty dollars.

The ordinance and decree for creating the municipality of Fort Bend, was taken up and amended, and afterwards read the third time, when the question on the final passage was put and decided in the negative.

On motion, the House adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Barrett from the committee on state and judiciary, reported an ordinance and decree, appointing collectors of public dues on lands, which was read the first time, when the rule was suspended, and the ordinance read a second and third time, when the question was taken on its final passage and decided in the affirmative.

On motion the House proceeded to elect a cornet of cavalry in the place of John V. Morton, resigned; and first lieutenant of rangers in the place of H. McHanks, who declined that commission. When Robert McKinney was duly elected cornet of cavalry, and Wade Horton, lieutenant of rangers.

The President submitted a recommendation of Messrs. Johnson and Walker for appointments in the navy. On motion, their names were ordered to be placed on the list of applicants.

The President submitted a letter from S. Rhodes Fisher of Matagorda, respecting the archives of the office of judge of that municipality, which was referred to the committee on state and judiciary.

Colonel Bowie, by leave, submitted his views respecting an expedition to Matamoros, &c.

On motion of Mr. Barrett, the committee on military affairs, was instructed to take the subject into consideration, and report a plan of operations for the forces of Texas.

On motion the Council adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
December 29th, 1835. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Royall presented the following resolution, which was adopted; and Mr. Kerr appointed a committee to carry the resolution into effect.

Resolved, that the House appoint a committee of one to wait on the stamp officer of this place and request him to hand over all stamp paper which he may have on hand.

Mr. Coe, member elect from the municipality of Washington, appeared, was sworn, and took his seat.

The executive secretary presented the following message from the Governor which was read.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:—

I have received and considered the ordinance creating the offices of auditor and comptroller of public accounts, which also assigned to each their duties. On this bill I have but few observations to make or objections to raise. But two only, both of which would be easily complied with, the first will be found in the last clause of the fifth section. I would suggest the propriety of striking out the last clause from the word "provided," which is underscored to the end of the section. This clause is in itself rather ambiguous, and if not leaving a door open to fraud, will be calculated to excite jealousy and suspicion. All money drawn from the treasury should be subject to the same routine; and the proper guards and checks interposed to detect fraud, and no branch of the Government should retain exclusive privileges in such matters. For if no other injuries should result, it would at least have a tendency to produce complexity and a confusion in the office.

The other amendment which I wish to suggest, is only for the purpose of evading ambiguity, and that the matter be plainly understood; which by continuing the ninth section by adding the words, "After the claim has once been adjudicated and filed" which would show that it was in compensation for extra labor.

I also transmit to you various resolutions, &c. which I have signed, and where necessary, complied with. The resolution to correspond with

Mr. Lamar of Georgia, will be complied with so soon as an opportunity offers.

I also send you the correspondence received from Bexar; it is however, principally of an introductory character, speaking of men who are deemed worthy to be considered in time of office making. Captain Cook of the New Orleans Greys, is highly recommended by all, both for his ability, and distinguished bravery as an officer, and if possible I would like to extend him a commission. I also send you the official report of Doctor Pollard, as surgeon of the volunteer army.

The new revenue bill I have examined and signed, which is now under transcript for some of the revenue officers.

I am gentlemen,

Your obedient servant,

HENRY SMITH, Governor.

December 27th, 1835.

Accompanying the above message, were several letters from F. W. Johnson, commandant at Bexar, which were referred to the committee on military affairs; and also a list of killed and wounded at the storming of Bexar; which list was ordered to be placed on file.

Also several resolutions approved by the Governor, together accompanying the message, also, was the "ordinance and decree creating the offices of auditor and comptroller of public accounts," with objections.

The ordinance with the objections, having been read, the question was taken, shall the ordinance now pass, the objections of the Governor to the contrary notwithstanding; when there were in the affirmative,

Messrs. Menifee, Clements, Harris, Hanks, Kerr, West, Barrett, Royall, Parker, Powers, McMullen, Coe, Thompson—13.

So the ordinance passed by a constitutional majority.

The committee on military affairs, to whom was referred the proposition of Col. James Bowie, reported progress, and begged leave to sit again, which was granted.

The account of John C. Morrison for a horse pressed in the service was allowed; and the chairman of the committee of finance directed to draw an order on the Treasurer for the same in favor of John C. Morrison.

The certificate of impressment was ordered to be filed in the auditor's office, and charged in the account of Captain Chenoweth, to be accounted for by him.

The President submitted a letter from John J. Linn, taking leave of the House, which was read and ordered to be placed on file.

Mr. Powers submitted a letter addressed to the commissioners, appointed to treat with the Indians, respecting an exchange of lands, &c., which was approved, and a copy ordered to be furnished to the commissioners.

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment. A quorum not being present, the House adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Kerr, from the committee appointed for that purpose, made the following report, which was read and adopted:

Your committee, appointed to call on the stamp officer of this place, and receive from him all the stamp paper in his possession, begs leave to report that he has discharged the duties assigned to said committee; that he has received of said stamp officer, by the hands of Mr. Gail Borden, junior, fifty-three sheets of Dore Reale's stamp paper, signed 'Givens,' and one hundred and twenty-two sheets of like paper, not signed, for which your committee has given the corresponding receipt; a copy of which is herewith annexed.

Your committee beg leave to recommend the sale of a part of the said paper to Mr. Steel, agreeably to his proposition which accompanies this report, all of which is most respectfully submitted for the action of this House.

(Copy.) received of C. C. Givens, by the hands of Gail Borden, junior, fifty-three sheets "Dove Reale's," stamp-paper, signed "Given," and one hundred and twenty-two sheets of like paper, not signed

JAMES KERR.

San Felipe de Austin, December 29, 1835.

Fifty-three sheets already signed by the stamp officer, if the Government will guarantee the stamp of one hundred other sheets for 1834 and 1835. I will pay the money for the same, the paper to be signed by the stamp officer.

W. H. STEEL.

The following accounts were presented and allowed, and the chairman of the committee of finance directed to draw orders on the Treasury in favor of the several persons named for their respective amounts, viz: P. Kelly, thirty dollars, J. C. Morrison, forty-six dollars.

Jesse Burnham, eighty-three dollars, eighty-nine cents.

The President submitted a communication from C. B. Stewart, respecting his appointment as Secretary to the Executive, which was referred to the committee on state and judiciary.

Mr. Hanks, from the committee on military affairs, presented the following resolution, which was read and adopted:

We, the committee, to whom was referred the information, and suggestions of Col. James Bowie, on last evening, respecting the condition of our army; the exposed condition of our country, and the necessity and importance of active operations, have had the same under consideration, and do most respectfully report to the honorable the General Council, the following resolution for your consideration:

Resolved, by the General Council of the Provisional Government of Texas, that the Governor be requested to authorize Col. James Bowie, to raise and rendezvous all the troops he possibly can, to be enrolled according to the provisions of the ordinance and decree creating an auxiliary volunteer corps of Texas, and report himself at Goliad, at as early a day as possible.

The President submitted a message from the Governor, respecting the resolution passed by the Council on the 25th instant, which was read and ordered to be placed on file, and not entered on the journals.

On motion, the House adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 30th, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

The following accounts were presented and allowed, and the chairman of the committee of finance, directed to draw orders on the Treasury for the same in favor of the respective individuals for their amounts, viz:

Thomas Clifton, thirty-six dollars sixty-seven cents.

James W. Robinson, for contingent expenses of the House.

Two letters from Mr. Frazier were submitted, respecting his imprisonment at Goliad. They were read and ordered to lie on the table.

Mr. Kerr from the committee appointed to dispose of stamp paper, reported that he had disposed of the same according to the direction of the House, and presented the receipts of the Treasurer for the same, which report was adopted.

Mr. Clements, from the select committee to prepare an address to the people of Texas, respecting the land offices, &c., reported progress and asked leave to sit again, which was granted.

The Executive Secretary presented the following message from the Governor, transmitting sundry documents from Goliad and Bexar.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and  
 Members of the Council.*

GENTLEMEN:—

I hasten to lay before your honorable body such information of a public character, as has just come to hand, you will find in it information worthy of attention, with an admixture of private or individual sentiment intermixed, with insinuating aspersions, all of which I lay before you, that you may estimate it in such a way as your honorable body may deem it merits.

I also lay before you the regular report from the commandant at Goliad, together with the complaints from Bexar against that officer. There seems to be nothing specific by way of charges.

These documents, some of which require action on my part, such as the muster roll, &c., I may soon have use for and all the returns should be filed in my office.

I am gentlemen, your obedient servant,

HENRY SMITH, Governor.

December 29, 1835.

The communication accompanying the message from Goliad, respecting a declaration of independence, was referred to the committee on state and judiciary.

The report of subsistence, pay, &c., were referred to the committee on military affairs.

That portion from Goliad respecting custom houses, was referred to the committee of finance.

The communication from the commandant at Bexar, was referred to the committee on military affairs.

Messrs. Thompson and Coe were appointed to the committee of finance. On motion, the Council adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The following accounts were presented and allowed, and the chairman of the committee of finance directed to draw orders upon the Treasurer in favor of the respective individuals for their several amounts, viz:

J. W. Stoddard, forty dollars.

Daniel McKay, forty-five dollars thirty-three cents.

Mr. Harris presented to the House the receipts of E. Hall, our agent at New Orleans, for eleven hundred dollars, received of William Brookfield — money loaned for the use of Texas, to purchase arms, ammunitions, &c.

On motion of Mr. Royall,

Resolved, that the thanks of the General Council be presented to Mr. Brookfield for his generous and patriotic conduct in loaning eleven hundred dollars to E. Hall, our agent at New Orleans, for the purpose of procuring and forwarding arms, ammunitions, &c., and that the receipts of Mr. Hall for the same be entered on the journals of the Council, the original to remain on file among the papers of the Council, and a copy to be given to Mr. Brookfield as evidence of his claim, to be adjusted at some future period.

The following is a copy of the receipt:

Received, New Orleans, December 7th, 1835, from Mr. William Brookfield, eleven hundred dollars as a loan for the service of Texas.

\$1100.

EDWARD HALL,

Agent for the Government.

Approved by F. Thorn and A. C. Allen.

Mr. Barrett from the committee on state and judiciary, made the following report, which was read and adopted, and a copy directed to be forwarded to Mr. Fisher.

Your committee on state and judiciary, to whom was referred the letter of S. Rhodes Fisher, and the copy of a letter from J. R. Lewis, beg leave to report, that they have had the same under consideration.

The Judge Wilson alluded to, was made so by an election of this Council, they having no better rule to judge of his qualifications than his having received the suffrage of his municipality. The fault then is not so much ours; should his habits of inebriety be to the extent spoken of, in the communications before us, until charges and specifications are made against him, in accordance with the eleventh section of the organic law, we are of opinion that this Council cannot take consideration of the case, and beg leave to be relieved from further cognizance of the matter.

D. C. BARRETT, Chairman.

Mr. Hanks, from the committee on military affairs, made the following report, which was adopted:

Your committee would respectfully recommend that the name of Captain William G. Cooke of the New Orleans Greys, be placed upon the list of applicants for an office in the regular army. His services and gal-

lant conduct in taking Bexar, entitles Captain Cooke to our most respectful consideration.

On motion of Mr. Royall, the committee on state and judiciary, were instructed to make inquiry and report to the House, respecting the two per cent. charged on land sales at Nacogdoches.

The report of the committee on state and judiciary, on certain communications from Nacogdoches, &c., was taken up, and together with the resolutions were adopted.

The Governor returned approved, an ordinance and decree for appointing collectors of public dues.

Mr. Barrett presented an ordinance and decree requiring stamp officers and receivers to make returns and settle with the collectors.

On motion, the House adjourned to seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Harris by leave presented an ordinance and decree for defining the boundaries of the municipality of Harrisburg, which was read the first time; the rule being suspended, the ordinance was read a second and third times, when the question was taken on its final passage, and decided in the affirmative.

Mr. Hanks, from the committee on military affairs, made the following report, which was read and adopted:

Your committee to whom was referred the letter of F. W. Johnson, recommending lieutenant John Hall, and Messrs. Julien Harby, Samuel O. Pettis, William Harper and Sydney S. Callender, stating that they were engaged in the taking of Bexar, and entitled to great credit for their bravery and gallant conduct during the whole engagement.

Your committee therefore respectfully recommends, that their names be placed upon the list of applicants to fill such vacancies as may occur in the regular army, by resignation or otherwise.

On motion, the House proceeded to the election of auditor and comptroller of public accounts, and collector of public dues on lands, and first judge of Austin.

When John W. Moody, was duly elected auditor.

John H. Money, was duly elected comptroller.

Gail Borden, junior, was duly elected collector of public dues on lands, for the department of Brazos.

Arthur Henry was duly elected collector for the department of Nacogdoches.

George Ewing was duly elected first judge of the municipality of Austin.

The resolutions of a public meeting of the citizens of Jackson, recommending a declaration of independence, were submitted and referred to the committee on state and judiciary.

On motion, the House adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 31st, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Clements, from the select committee appointed for that purpose, made the following report, which was read and adopted:

The special committee of three, who were appointed to draft an address to the people, in which should be set forth the reasons why the General Council have not opened the land offices; and at the same time, to satisfy every settler and emigrant, that his landed interest is and shall be protected by the Provisional Government of Texas, beg leave to report as follows:

1st The third act of the organic law declares that no law shall be passed, except the emergency of the country requires it.

2d. The fourteenth article of the organic law declares, that the land offices shall remain closed, until they can be systematized by competent authorities to be hereafter established.

3d. The fifteenth section of the organic law declares, that all persons who have emigrated to Texas, or who may emigrate during the present conflict for constitutional liberty, and perform the duties of citizens, shall be entitled to the benefits of the colonization laws, under which they emigrated or such laws as may be in force, at the time of their emigration.

Your committee would therefore recommend to every citizen who has not received lands, in accordance with the colonization laws under which they emigrated, and to those who are now emigrating, or who may hereafter emigrate, to select and settle themselves upon any vacant lands of Texas, until the Land Office can be systematized, and surveys of their lands made, and titles to the same given. At the same time settling themselves at suitable distances from each other, so that no difficulty may hereafter occur in surveying their lands, or giving titles to the same.

And further, that the General Council pass no law that will impair the just and legal contracts and obligations made and entered into by empresarios or commissioners, with actual settlers or emigrants; but abide by, and conform to the provisions of the organic law, made by the convention in all their acts and proceedings, touching the land offices, or the rights of settlers and emigrants.

If the above report should be adopted by the honorable the General Council, your committee would respectfully recommend the adoption of the following resolution:

Be it resolved by the General Council of the Provisional Government of Texas, that the Governor be required to have published three times, in the Telegraph at this place, and the newspaper published at Nacogdoches, the accompanying address to the people.

Be it further resolved, that John Forbes and Arthur Henrie of Nacogdoches be authorized to procure the publication of three hundred copies of the address to the people respecting land offices, in hand bill form, and distribute two hundred of them in that department, and forward one hundred to this Government; and that said Forbes and Henrie be author-

ized to draw on the receiver of public monies, for the expense of publication.

Mr. Royall from the select committee, to whom was referred an ordinance and decree, regulating the Treasury, &c., reported an ordinance and decree for the better accommodation of claims against the treasury, which was read the first time and ordered to a second reading to-morrow.

Mr. Kerr presented the account of J. S. Menifee & Co. for articles furnished John W. Moore, contractor for the volunteer army, for one hundred and twenty-four dollars, eighty-seven cents, which was allowed and the chairman of the committee of finance directed to draw an order in his favor, upon the treasurer for that amount.

On motion of Mr. Royall, a committee of two were appointed to wait on Colonel Ward, from Georgia, and request him to communicate with the Council respecting his views, in volunteering, &c. Messrs. Royall and Kerr were appointed the committee.

Mr. Royall introduced Col. Ward, who communicated his intentions, and that of his companions in volunteering to aid Texas.

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Parker presented the following resolutions which were adopted:

Resolutions requiring the Governor to publish the ordinances and decrees of the Provisional Government of Texas.

Resolved, that the Governor be, and he is hereby required to have all the ordinances, decrees and public resolutions of the Provisional Government of Texas, immediately published in the "Texian and Emigrants' Guide," a newspaper published in the town of Nacogdoches, and also in one or more newspapers published in Texas.

Resolved, that it shall be the duty of the Governor, to cause that his executive secretary immediately make complete transcripts of said ordinances, decrees and public resolutions, and from time to time, as the work advances, transmit the same to the several newspapers aforesaid for publication.

Resolved, that for the expenses of such publication, funds shall be appropriated in the treasury subject to the Governor's order, through the usual mode of settling accounts.

Mr. Barrett presented an ordinance and decree appointing collectors of public dues, and defining their duties, which was read the first time, and the rule suspended, and the ordinance read a second and third time, when the question was taken on its final passage and decided in the affirmative.

Mr. Hanks from the committee on military affairs, made the following report, which was read and adopted.

Your committee, to whom was referred the communication of F. W. Johnson to his Excellency the Provisional Governor of Texas, and transmitted by him to the honorable the General Council, together with accompanying documents, containing a list of such articles as it stated to be requisite for the safety, defence and actual wants of the troops at San Antonio de Bexar, have had the same under consideration; and we would respectfully report to the honorable the General Council. That the only disposition, which we could recommend of said documents, is to request

his excellency the Provisional Governor, to order through his proper officers at Bexar, the captains of companies to report muster rolls of their companies, setting forth the number of men, for what time they enlisted, when they enlisted, whether in the regular army or auxiliary corps, and every thing relative to their condition and situation.

Your committee further recommends, that his excellency the Governor, be requested to order his proper officers to report the true condition of the ordnance department at Bexar; how many pieces of artillery; the ammunition and supplies of said department; the tools and instruments necessary for making and repairing fortifications; and everything connected therewith.

Your committee recommends this course because it is impossible for the General Council to order supplies, or make provision for a garrison or any military post, without knowing its situation and condition in every respect.

Your committee would further suggest the propriety and necessity of ascertaining from the officers at Bexar, or commanding officers, what companies were at Bexar, when the place was taken, together with a muster roll of their company if it is possible to be done.

Therefore be it resolved by the General Council of the Provisional Government of Texas, that his Excellency the Governor, be requested to carry into effect the foregoing report; and that the secretary of the General Council furnish his excellency with a copy of said report, and this resolution.

On motion the House adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion the Council went into secret session, and after some time spent therein the doors were opened.

On motion the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 1st, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journals of the proceedings of yesterday being read,

Mr. Barrett, from the committee on state and judiciary, made the following report accompanied with an ordinance:

Report that the committee on state and judiciary affairs, to whom was referred the letters from the committee of safety of Beaumont.

Your committee to whom was referred the letter of the committee of safety at Beaumont, having duly considered its contents, and strongly impressed with the necessity of adopting some measures as recommended in said letters to prevent the importation or emigration of free negroes or mulattoes into Texas; being sensible from the experience of other countries, that the residence of such free negroes and mulattoes among us, would prove an evil difficult to be remedied should it once be tolerated. To the slave-holder nothing could be of deeper interest than the timely adoption of some measures that will prove effectually preventive of a

course so much to be dreaded in a country, whose soil, from the nature of its productions must be cultivated by slave labor. The infusion of dissatisfaction, and disobedience into the brain of the honest and contented slave, by vagabond free negroes, who denied the society of whites, from necessity or choice, associate with persons of their own color, cannot be too promptly and strongly guarded against.

Your committee would therefore recommend the adoption of the following ordinance and decree to be entitled,

“An ordinance and decree to prevent the importation and emigration of free negroes and mulattoes into Texas.

Be it ordained and decreed, and it is hereby ordained and decreed by the Provisional Government of Texas, that from and after the passage of this ordinance and decree, it shall not be lawful for any free negro or mulatto to come within the limits of Texas, and if any free negro or mulatto, shall hereafter be found within the limits of Texas as aforesaid, and it shall not appear, that he or she was within said limits prior to the passage of this ordinance and decree, it shall and may be lawful for any citizen of Texas, to apprehend said free negro or mulatto, and take him or her before the judge or alcalde of the municipality in which he or she may be so apprehended, and upon satisfactory evidence being adduced, that such free negro or mulatto emigrated into Texas, contrary to the provisions of this ordinance and decree, it shall be the duty of the judge or alcalde, before whom such free negro or mulatto may be brought, to expose him or her to sale at public auction, to the highest bidder, and the proceeds of such sale, after paying one third thereof to the apprehender and defraying the costs and charges, attending the conviction and sale of such free negro or mulatto shall be paid into the state treasury. And it is hereby declared, and made the duty of each judge and alcalde, and of each and every sheriff and other officer of the place, within each and every municipality throughout Texas, so to apprehend and cause to be apprehended all and every such free negro or free negroes, mulatto or mulattoes, offending against the provisions of this ordinance and decree, and that such officer or officers, who shall so apprehend such free negro or free negroes, mulatto or mulattoes, shall be entitled to the same compensation, that is by this ordinance and decree allowed to citizens, who may by such apprehension as aforesaid render the like service.

Be it further ordained and decreed, &c.: That it shall not be lawful for any master or owner of any ship or vessel, nor for any other person or persons whatever, from and after the passage of this ordinance, to import, bring or induce, or aid in importing, bringing or inducing, any free negro or mulatto, within the limits of Texas, directly or indirectly, and if any master or owner of any ship or vessel, or any other person, or persons, whatever shall import, bring or otherwise induce, or aid or abet in importing, bringing or otherwise inducing, any free negro or mulatto into Texas as aforesaid, he or she so offending shall be deemed guilty of a misdemeanor at common law, and upon conviction thereof, in any court of record within Texas, shall be fined in the sum of five thousand dollars, and imprisoned, until the same together with the costs and charges of the prosecution shall be paid.

Be it further ordained and decreed, and it is hereby further ordained and decreed, &c., that this ordinance and decree shall be regularly given

in charge to grand juries throughout Texas, and the Governor be and he is hereby required to have this ordinance and decree inserted three times in the New Orleans Bulletin.

The above report being read was adopted, and the ordinance and decree was read the first time, and ordered to a second reading to-morrow.

Mr. Royall made a statement respecting the intention of the Creeks to emigrate to this country; when on motion, the committee on state and judiciary, were instructed to report instructions to our agents to the United States, on the subject.

On motion, the House proceeded to the election of captain of cavalry in place of John York, who declined accepting. When William G. Hill was duly elected captain of cavalry.

The house then proceeded to elect a first lieutenant of cavalry in the place of W. G. Hill, promoted. When McKinlock Simmons was duly elected first lieutenant of cavalry.

On motion of Mr. Barrett, Messrs. Royall, Clements and McMullen, were appointed a committee to act in conjunction with the Governor, in procuring the attendance of absent members.

Mr. D. Parker presented his resignation as a member of this Council, which was accepted, and the thanks of the House voted to Mr. Parker, for his constant attention and devotion to the interests of his country as a member of this Council.

Mr. Clements submitted a communication from Mr. Caldwell, of Gonzales, which was read and referred to the committee on state and judiciary.

The President submitted a letter from Thomas F. McKinney, respecting duties, &c., which was referred to the committee on state and judiciary.

On motion, the House adjourned till 3 o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

A quorum not being present,

On motion, the council adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 2d, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Royall presented the report of John W. Moore, contractor for the volunteer army, for the purchases made by him, together with his account of money advanced, expenses, &c., which were allowed, and the chairman of the committee of finance directed to draw in his favor upon the treasurer, for seventy-five dollars cash, and also an order for one hundred and fifty-three dollars sixty-three cents.

Mr. Malone appeared, was sworn, and took his seat as a member of this Council from the municipality of Refugio.

The Executive secretary presented the following message from the Governor which was read.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable President, and members  
of the General Council.*

GENTLEMEN:

I herewith transmit to your body the report of John H. Money, former treasurer of this municipality. You will see by the accompanying vouchers, the disbursements made by him, some of them you may deem it necessary to consider. Mr. Money is anxious to bring the matter to a close by final settlement. I also send you a petition, signed by various persons, which will show for itself. I further have to remark, that the reports made by the commandant at Goliad, shows that he has on hand at that station, public property to a considerable amount, consisting of various goods; dues to the custom house, &c., all of which he is anxious should be properly disposed of for the public benefit. You will therefore make such orders on that subject as you may deem necessary, to promote the public interest, and at the same time to release the commandant from the further responsibility.

I am gentlemen, respectfully

Your obedient servant,

HENRY SMITH, Governor.

January 2d, 1836.

The message was accompanied by sundry documents. The report of John H. Money, treasurer, was referred to the committee on finance.

The petition for a new municipality to be taken from the west side of the municipality of Austin, which also accompanied the message, was referred to the committee on state and judiciary.

The account of William McDermot, for services and losses in the volunteer army, was presented and referred to a select committee of two, consisting of Messrs Thompson and Kerr.

On motion, the Council adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Barrett, from the committee on state and judiciary, made the following report, accompanied by resolutions; which being read the report was adopted, and the resolutions passed unanimously.

*To the Honorable, the General Council of the  
Provisional Government of Texas:*

Your committee on the state and judiciary, to whom was referred several communications from the commissioners to the United States of the north, and communications concerning the Creek Indians, respectfully report, that they cannot but express much surprise, that our public agents have so long delayed to proceed to the fulfilment of the objects of their appointment: that, however, the Government may feel inclined to receive and respect the counsels of these gentlemen, and that of all others interested in the fate of Texas, yet duties of a different character

having been assigned to our public agents to the United States of the north, it cannot be expected that they will devote their time to instructing the Government at home; when as the agents of that Government, they have higher and more important duties, which they are pledged to perform abroad.

Your committee would further respectfully suggest, that if they were disposed to listen to the projects proposed by the commissioners, in the communications referred, the men and means for carrying these plans into effect are wanting, and can only be obtained by the active exertions of our public agents in the fulfilment of the duties assigned them. Already one half of the time allotted to the fulfilment of the trust committed to them is expired, and no efficient measures, seem to have been adopted, for even opening a communication with those sources from which our aid is expected through their negotiation.

Your committee therefore advise that the Governor be requested immediately to communicate instructions to the said commissioners, as to the necessity of proceeding with all possible despatch to such points in the United States of the north, as shall enable them with the greatest certainty to effect the objects of their mission. And that he instruct them as soon as possible to forward supplies to the regular army to the port of Copano or the nearest point thereto, which prudence or safety may suggest. And that they be further instructed by the Governor in such a manner as shall best conform to the arrangement of the present campaign against the enemy, adopted by the Provisional Government; to direct the transmission of munitions of war and supplies to carry the same into effect, and to keep the Government regularly advised of all their proceedings, and the prospect of their final success.

Your committee further report to this honorable House that they have received information to be relied upon of contemplated arrangements being entered into between certain citizens of Texas and a large body of Creek Indians of the United States of the North, for selling lands to and locating said Indians within the territories of Texas; a course dangerous to the country and in the highest degree criminal and unpardonable on the part of those engaged in this wicked enterprize.

Your committee therefore advise on this subject, that the Governor instruct our said commissioners, to remonstrate with the government of the United States of the North, against permitting the Indians to enter into our territories, for the purpose of settling among us, as calculated to increase the dangers and troubles in which we are now involved, struggling for our very existence with a gigantic power, and harrassed by the almost daily depredations of Indians already within our borders; and to appeal to the justice, the magnanimity and sympathies of our northern brethren, to prevent such an accumulation of evils and horrors, upon our devoted land.

Your committee therefore advise the adoption of the following resolutions:

1. Resolved, that the Governor be requested to communicate instructions to Stephen F. Austin, William H. Wharton and B. T. Archer, agreeably to the views and principles, laid down in the foregoing report, together with the report and accompanying resolutions, and such additional instructions as the exigencies of the case may seem to require.

2. Resolved, that the Governor be requested to open a correspondence with such persons in Nacogdoches as will be likely to disclose the names of those citizens of Texas engaged in the negotiation with the Creek Indians, the extent to which the same has already been carried, and its nature, and the object thereby intended, and that he lay the same before the Council as soon as possible together with his own views upon the subject.

3. Resolved, that a copy of the foregoing report, and resolutions, signed by the President and secretary of this House be sent to his Excellency the Governor.

D. C. BARRETT, Chairman.

January 2d, 1836.

Mr. Hanks, from the committee on military affairs to whom was referred certain communications from Goliad, reported progress, and asked leave to sit again, which was granted.

The President submitted a communication from F. W. Johnson, commandant at Bexar, acknowledging the receipts of the address and resolutions of the Council, respecting the storming of Bexar, which was ordered to be placed on file.

The President submitted several communications from Goliad, received by express. Those respecting the organization of volunteers, and the commissary at Goliad, were referred to the committee on military affairs.

The proceedings of the court of inquiry, &c., were referred to the committee on state and judiciary.

Mr. Kerr presented a communication from Ira Westover, respecting the situation of the South Western frontier, which was referred to the committee on military affairs.

Mr. Kerr presented an ordinance and decree defining the boundaries of the municipality of Jackson, which was read the first time, and postponed till the fourth day of July next.

Mr. Thompson, from the select committee, to whom was referred the account of William McDermott, made report, recommending that an order be drawn on the Treasurer in favor of said McDermott, by the chairman of the committee of finance, in the sum of one hundred and twenty-two dollars, sixty-five cents; which report was adopted, and the chairman of the committee of finance, directed to draw said order for the aforesaid amount, in favor of William McDermott.

The following accounts were presented and allowed, and the chairman of the committee of finance directed to draw orders in favor of the respective individuals for their several amounts, upon the Treasurer, viz:

Mariano Cavero, fourteen dollars, contingent expenses of the House.

Joseph Doan, fifty-eight dollars.

B. C. Wallace, eight dollars.

Mr. Royall presented the following resolution, which was adopted:

Resolved, that John W. Moore be allowed an additional sum of three dollars per diem, for his services as contractor for supplies to the volunteer army, and that he be put upon the same footing, as to any bounty that may be allowed to volunteers that were at the taking of Bexar.

On motion of Mr. Barrett, the House proceeded to elect a clerk to the

state and judiciary, and to the finance committees. When Edward B. Wood was duly elected.

On motion of Mr. Clements, the House proceeded to elect a clerk to the committees on military, land, indian and naval affairs. When E. W. Cullen was duly elected.

On motion, the House adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 3d, 1835. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Wood, elected to several committees of this House, as their clerk, was sworn and entered upon his duties.

Mr. Barrett presented the petition of John Brock, which was read and referred to the committee on military affairs.

Mr. Barrett presented a recommendation of M. D. Ayres, for the office of comptroller, which was read and ordered to be placed on file.

Mr. Barrett, from the committee of the state and judiciary, made the following report, which together with the annexed resolution was adopted:

Report of the committee on the state and judiciary to whom was referred the communication of Matthew Caldwell.

Your committee to whom was referred the communication of Matthew Caldwell, have had the same under consideration, and beg leave to report that the outrage complained of in said letter, to wit: The assault and injury committed on the person of the complainant is, in their opinion, one of those lawless modes, assumed by wicked and malicious individuals, of gratifying their vindictiveness, which it should be the care of all civilized communities to suppress.

In a community governed by laws, the law of the land designs a remedy for every right and prescribes a punishment for every offence. And not until it shall appear clearly, that the law can not interpose, is an individual justified in resorting to physical force even to prevent injury to his person or property. All acts of violence by individuals, then, to the persons or property of others, are presumed to be contrary to law, and detrimental to the peace and good order of society, unless it shall be plainly shown, that the perpetrator acted from necessity.

Your committee, therefore believing, from the letter referred, that Matthew Caldwell has been thus wickedly and unlawfully assaulted, whereby his health has been greatly injured, and his life endangered, and is yet in danger; woud respectfully recommend to the House the adoption of the following resolution:

Resolved by the General Council of the Provisional Government of Texas, that the Governor be required to issue his proclamation, offering one hundred and fifty dollars to any person who shall arrest and commit to prison Joseph P. Laller, who on Saturday, the \_\_\_\_\_ day of December, 1835, assaulted, beat and severely wounded Matthew Caldwell of Gonzales, so that his life was and is yet in great danger.

Mr. Barrett, from the same committee, also made a verbal report, upon the petition of certain individuals of the municipality of Austin, for a new municipality to be called "Colorado," which report was adopted, and the ordinance read the first time, and ordered to a second reading to-morrow.

Mr. Cullen, elected clerk to the military and other committees of this House, was sworn and entered upon his duties.

The President submitted a communication from F. W. Johnson for himself and other volunteers, for authority to proceed to Matamoras, which was read and referred to the committee on military affairs, with instructions to report this afternoon at three o'clock.

The President submitted several communications from Thomas F. McKinney, and McKinney and Williams, which were read and referred to the committees on state and naval affairs.

Also a letter from B. F. Duval, respecting volunteers at the mouth of the Brasos, which was read and referred to the committee on military affairs.

On motion of Mr. Barrett, Mr. Clements was authorized to procure an express to forward dispatches to Gonzales, at the expense of the Government.

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Royall submitted a report from Mr. Caldwell, sub-contractor at Gonzales, which was referred to the committee on military affairs.

Mr. McMullen, from the committee of finance, made the following report, which was read and adopted:

Your committee, to whom was referred the proposition of Colonel Barrett, to furnish the Provisional Government with an useful library of law books, civil and political history, political economy, &c., beg leave to report to your honorable body, that we approve of the proposition in part, and do most earnestly recommend to the General Council to accept of the proposition so far as to embrace the list of books or works, affixed to this report, together with such works as the wisdom of your honorable body, may add to said list; for it is impossible for us, for the little time, which more pressing business has allowed us to bestow upon the subject, to recollect every book which may be important, for you to examine and refer to, in the formation of so complicated a system as that of Government. Yet to purchase the number of volumes, which Colonel Barrett set forth in his proposition, would be, in our humble opinion, in the present distracted and impoverished state of the country, unwise, and give just cause of offence to a large majority of our fellow-citizens; they would instantly say, you advance one thousand dollars for a library, containing two thousand volumes; when you have not one cent to give to him who has suffered every privation, and risked every danger in defence of his country.

It would not only displease the people, but it would be bad policy, and would be an expenditure of money which is not absolutely required at this time. If our finance were in a flourishing condition, and our state at peace with the world, we would recommend you to purchase double the number of volumes proposed, for a state library, though

the proposition of Col. Barrett is certainly very liberal, and under better auspices, we would take great pleasure in recommending to your honorable body to accept the proposition.

List of books recommended to be furnished.

1. Civil law books,  
Corpus Juris Civilis,  
Code de Napoleon,
2. American works,  
Constitution of the United States,  
Constitution of the several States,  
Laws of the United States,  
Kent's commentaries,  
Journal and Debates of Congress,  
Life and writings of Thomas Jefferson,  
History of the United States,
3. Common law books,  
Blackstone's Commentaries,  
Viner's Abridgment,  
Sidney on Government.

JOHN McCULLEN,  
Chairman of Committee of Finance.

On motion of Mr. Royall, John W. Moore was discharged from any further duties as contractor for the volunteer army, and the thanks of the House were voted to Mr. Moore, for the prompt and efficient manner in which he has discharged the duties of contractor.

On motion, the chairman of the committee of finance was directed to draw an order on the Treasurer in favor of William McDermott, a wounded soldier, the same to be deducted, from one of the orders heretofore given to the said McDermott.

On motion, the House adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President submitted the following message from the Governor, transmitting the report of the commissioners appointed to investigate the transactions relative to the wreck of the Hannah Elizabeth, which was read and referred to the committee on the state and judiciary.

EXECUTIVE DEPARTMENT OF TEXAS,

*To the Honorable, the President, and  
Members of the Legislative Council:*

GENTLEMEN:--

I herewith transmit to you, the report of Thomas Barrett, Esq., one of the commissioners appointed to investigate the transaction respecting the Hannah Elizabeth, &c., &c., by which you will see, that the commission has not been executed, and the reasons why it had not, your body will therefore take such other measures as you may deem expedient.

Circumstances render it absolutely expedient that our foreign agents, should be corresponded with immediately.—Their delays and schisms are ruinous to our cause. What your honorable body has said on the

subject, together with my own solicitations, will, I confidentially hope, have a tendency to correct their errors, and in some measure counteract the consequent evils. Can a confidential courier be had to bear dispatches immediately? They will do no good until they hear from us at New Orleans. I deem this vitally important.

Respectfully,

Your obedient servant,

HENRY SMITH, Governor.

January 3d, 1836.

The President also submitted a communication from P. Dimit, respecting expresses sent to the Rio Grande, which was read and ordered to be placed on file.

Mr. McMullen, from the committee of finance, made the following report, which was read and adopted.

*To the Honorable, the General Council  
of the Provisional Government:*

Your committee on finance, to whom was referred the report of J. H. Money, Treasurer, having carefully examined the same, beg leave to report, that said report in an account of its disbursements, is fully sustained by the vouchers accompanying the same, and that the amount of the receipts into the Treasury, are in exact conformity, and comport fully with the collectors report to which it refers, and in the opinion of your committee is correct. Your committee would therefore recommend to the House its adoption.

JOHN McMULLEN, Chairman.

On motion of Mr. Royall, the chairman of the committee of finance, was directed to receive the balance due from Mr. Money, and deposite the same in the Treasury.

Mr. Hanks, from the committee on military affairs, made the following report, which was read and adopted:

The communication of General F. W. Johnson, which was referred to your committee, respecting an expedition against Matamoras, has had the same under consideration, and beg leave to report, to the honorable the General Council, that it is an expedition of the utmost importance at this time. It will give employment to the volunteers, until a regular army, sufficient for the protection of our country, can be raised and organized.

And your committee take great pleasure in recommending F. W. Johnson to take the command of all the troops that he can raise for that purpose. His gallant and chivalrous conduct at the seige and fall of Bexar, entitles him to our confidence and support. Besides, delay at this time on our part, would be dangerous. For if the volunteers on their march for Matamoras were defeated, the consequence resulting from it might prove fatal to Texas. But every one must foresee the benefit that would result from occupying and keeping possession, of that important and commercial depot. It would not only deprive our enemies of the immense revenue at that place, but aid us greatly in supporting our army. It would also carry the war into the enemies country; and with the vessels that will be floating upon the Gulf of Mexico in

the service of Texas in one month, will give us the entire command of the Gulf, from Matamoras to New Orleans, over our enemies.

Your committee would further recommend that measures be adopted by the honorable the General Council, to support, sustain, and provide for the volunteer army on their march against Matamoras; and further, that the Governor be requested to commission such officers, as are reported to have been elected by said volunteers, or as may be reported to him. Your committee further recommend that the sum of two thousand dollars be appropriated for the expenses of the expedition to Matamoras.

Mr. Barrett on behalf of the state committee, and committee on naval affairs, to whom was referred the letters of Thomas F. McKinney and McKinney & Williams made the following report:

*To the Honorable, the General Council of the Provisional Government of Texas:*

Your committee to whom was referred communications from McKinney & Williams and Thomas F. McKinney, will respectfully suggest to the House their views, first in regard to the purchase of certain vessels offered to the Government by said McKinney & Williams.

First. As regards the Schooner "William Robbins." The subject of this vessel has often been before the Council, and until a personal interview of your committee with Mr. McKinney the facts had not been fully known. It seems, however, from Mr. McKinney's statement, that certain individuals, connected with the committee of safety of Matagorda, before the meeting of the convention entered into an arrangement for the purchase of this vessel as a joint property, to be used in the protection of the commerce of the country. This company drew upon Messrs. McKinney & Williams for three thousand five hundred dollars, the price of the vessel, but Mr. McKinney believing it were better to be placed under the control of the Government, purchased her on his own responsibility, leaving to the Government to take her or not, as they might think expedient.

Your committee advise, that a competent agent be appointed to examine this vessel and its equipments; and if it shall appear to be a vessel which can be put to good use in the public service, with a corresponding price, your committee recommends the purchase.

Your committee further report: that Messrs. McKinney and Williams, through Mr. Williams, have made a purchase of, and equipped a schooner of about one hundred and twenty-six tons burthen, adapted to the object of protecting our commerce against the enemy. This vessel called the "Invincible," is now in the bay of Galveston, and is generously offered to the Government of Texas, by the owners, at first cost and charges. Your committee are clearly of opinion that every possible effort should be made to protect our own commerce, and to embarrass and destroy that of the enemy; and by the plan contemplated for the future operations of the army, both the munitions of war and supplies must be transported by water, consequently, a sufficient naval force is indispensable for giving certainty and effects to the objects of our future campaign as intended; and this naval preparation must be speedily made. Your committee therefore advise that a suitable agent be appointed to examine the schooner "Invincible" and her equipments, and if suited

to the objects of cruising in the Gulf, or about our coasts that an immediate purchase be made of the vessel of Messrs. McKinney & Williams upon such terms as the future means of the country will justify.

Your committee also advise the necessity of adopting an immediate system of officering and manning such vessels, as may belong to the public service; and that inasmuch as no system of regulating naval operations has ever existed in Texas, and time and circumstances render it utterly impossible to form and arrange one adapted to our necessities in season to give effect to our present operations; it is recommended that the naval system as adopted and practised in the United States of the north, regulate the proceedings of this department of our defence in Texas. Your committee also advise that in the event of purchasing the vessels aforesaid, the Governor be directed to communicate the same to our public agents in the United States of the north, that their purchases of vessels for public service may be regulated accordingly.

The report was read and adopted, and was accompanied by an ordinance, which was read the first time, and the rule suspended, and read a second time, and ordered to lie on the table until to-morrow.

On motion, the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 4th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present,

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Tucker from Teneshaw presented his certificate of election, was sworn and took his seat as a member of this Council.

Mr. Clements presented the petition of Hendrick Arnold, for losses sustained at Bexar, which was read and referred to the committee of finance.

The President submitted a communication from J. W. Moody respecting the pay of volunteers, &c., which was read and referred to the committee on state and judiciary.

The executive secretary presented the following message, accompanied by several communications, which were read.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and members of the Council:*

GENTLEMEN—

I wish as soon as practicable to make out the correspondence to our foreign agents. Your honorable body have ably performed your duties in that respect, which has been transcribed preparatory. What I now ask of your honorable body is, to be furnished with all the correspond-

once which may be in your possession from our agents, in order that their wild, chimerical and dictatorial notions be corrected, which if not done soon, may result in serious injury to our cause. Any private correspondence from any of them, which may be in possession of any of the members of your body should not be misused, and should be immediately returned. I feel much uneasiness and solicited in this matter, as every thing depends upon their prompt and proper action.

I am respectfully, Gentlemen,

Your obedient servant,

HENRY SMITH,

Governor.

January 4, 1836.

The resignation of G. M. Collingsworth was accepted.

The communication from Charles Wilson of Matagorda, was referred to the committee of the state and judiciary.

The communication from J. W. E. Wallace respecting his election as captain of artillery, was referred to the committee on military affairs.

The letter from General Austin, recommending S. D. Hurst of Philadelphia was read, and the name of Mr. Hurst was directed to be placed on the list of appointments for the army.

The communication of Edward Hall of New Orleans, recommending Captain John A. Delame for an appointment in the naval service was read, and the name of Captain Delame directed to be placed on the list of applicants.

Mr. McMullen from the committee of finance, reported, that he had received the balance due from Mr. Money, and deposited it with the treasurer, and presented his receipt for the the same which was ordered to be filed.

Mr. Barrett from the committee on state and judiciary, to whom was referred the subject relating to the transactions of the schooner Hannah Elizabeth, reports:

Advising the appointment of two commissioners in the place of R. H. Williams and J. Collinsworth, to aid the third commissioner, Thomas Barnett, Esq., appointed to investigate the case of said schooner. The report was read and ordered to lie upon the table.

Mr. Barrett, from the same committee, also made the following report, which was read and adopted:

*To the Honorable the General Council of the Provisional Government:*

Your committee on state and judiciary to whom were referred certain communications of Thomas F. McKinney, declining the appointment as Commissary General, and in relation to General Mexia:

Respectfully report, that the interest and safety of the country mainly depend upon the useful and active employment of troops engaged in her defence, and that certain and efficient action cannot be expected, unless the proper supplies of munitions of war and means of subsistence, be promptly and plentifully supplied, at the different posts within the range of their operations. And that such provision is necessarily entrusted to a separate department, which should be unincumbered with other duties. For this purpose, a commissary general, being a providing commissary for the armies, is usual in all well regulated Governments especially in

time of war. To this end such an office was created by the Provisional Government of Texas, and as a suitable individual to fill this highly important and honorable post, this House determined upon Thomas F. McKinney to become the head of this department and accordingly so appointed him. Your committee cannot but regret the reluctance of Mr. McKinney to accept the trust, and therefore advise that he be requested, under all the circumstances connected with the present situation of Texas, to accept his commission, or to act as a special agent of the Government in performing the duties of that department, until some other suitable individual shall be known, who will relieve him of the duties.

As regards the communication concerning General Mexia, your committee do not incline to censure any of the proceedings of this body, in relation to him, acting as they did, from information received at different times, showing indecision in the character and determination of General Mexia, and hearing his conduct complained of, by those who had been under his command, every action of this House in relation to this matter, has resulted from a sense of duty to the country. But your committee are clearly of opinion, that the declaration of November the seventh, and organic law, which constitutes the basis of the "Provisional Government" of Texas, and the solemn obligations of the members who compose that Government to sustain its principles, in spirit and in letter, are fundamental principles that must be observed, as well for the present safety of our citizens, and future hopes of security to the country, as for the conscientious fulfilment of the duties they assume. And whatever may be the private feelings in regard to any other policy, all attempts to sustain principles, and carry into effect plans, differing from that already adopted, would be in the minds of your committee in the highest degree criminal, in any officer, who has assumed the responsibilities of acting under its provisions and directions. Our course therefore is a plain one, while supporting the republican principles of the constitution of 1824, which places us as one of the belligerents in a civil war, we are required to co-operate and act in concert with all Mexican citizens, also favorable to the confederation, and opposed to the central form of Government, in doing this we fulfil a paramount duty, and pursue the dictates of the clearest policy for sustaining Texas in her present dangerous conflict.

D. C. BARRETT,

Chairman of Committee on State and Judiciary.

Council Chamber, San Felipe.

January 3, 1836.

The same committee through their chairman, Mr. Barrett, also made the following report, which was read and adopted:

*To the Honorable, the General Council of the Provisional Government of Texas:*

GENTLEMEN:—

Your committee on state and judiciary, to whom was referred the letter of Captain E. Hall, a special agent of this Government in the United States of the north, report to this Council the following, as a suitable answer, and which is submitted to their consideration, to be signed by the President and secretary, and sent to Captain Hall.

D. C. BARRETT, Chairman.

CAPTAIN E. HALL,

SIR—Yours of the ninth ult. has been received and read in Council. We rejoice that the proceedings of our Convention have been so well received by the friends of Texas in New Orleans. We hope the doings of the Council may prove equally satisfactory to those, whose good opinions and confidence, it is our wish and interest to secure. If patriotism and honest intentions can effect this object, we shall be gratified.

The fruits of our victory over the enemy and the capitulation of Bexar, have given us possession of more than thirty pieces of artillery of various calibre, and in a great measure superseded the necessity of the purchases to have been made by you in behalf of this Government. But our work is by no means finished. The enemy is endeavoring to concentrate and bring upon us a large force which must be met and vanquished as soon as possible after he takes the field: munitions of war and supplies of provisions to be landed at or near the port of Copano as circumstances will admit, is all important to our present and contemplated future operations. Whatever can be done by you, in this way, and sending volunteers to the same destination, will aid your adopted country in the struggle for freedom and constitutional rights. A cordon of posts are being established from Bexar by Goliad to San Patricio on the Rio Nueces, and government agents will be stationed at each post to receive and provide for volunteers, and take charge of all public stores. Indeed, we hope to extend the line to Matamoras at no very distant time.

The volunteers on board the Santiago have arrived, and will, we trust, be profitably and honorably employed in the glorious cause. The gratitude of the country, and we hope more substantial testimonies will be secured to our brave and magnanimous brethren of the north. The struggle once over, and peace restored to the fair lands of Texas; what that the fondest wishes of the philanthropist could extend to man on earth, may not be expected here? The rich reward of our labors and our dangers is ever in view, and immediate possession but awaits the successful termination of the present struggle.

We hope you have met the government commissioners ere this and that success will attend all your efforts in favor of oppressed Texas. We shall expect to hear from you as often as your convenience will permit, as matters of interest to our cause shall transpire.

Very respectfully, yours,

D. C. BARRETT,

Chairman, of Committee of State and Judiciary.

Council Room,  
San Felipe, January 3, 1836. }

The same committee also made the following report, which was read and adopted:

*To the Honorable the General Council of the Provisional Government of Texas:*

GENTLEMEN:

Your committee on state and judiciary, to whom was referred the communications of Thomas F. McKinney in their report, which is respectfully submitted, beg leave to say,

That it is not the design of this House to pass any ordinance or decree to operate as an *ex post facto* law, or by any movement to surprize those upon whom their decrees and ordinances are intended to operate, and although their proceeding have been governed by emergencies; yet it has been the especial care of the Council to avoid, in their enactments, the adoption of any measures, that might operate unequally. And most especially have they, and will they, avoid the adoption of such measures, as might effect most prejudicially, those who are most active in the country's service, and deserve most at their country's hands. And your committee feel themselves fully authorized to say, that whenever this House discerns that any of its acts have, or are likely to have this tendency and effect, they will, without hesitation, relieve by immediate counter-action. It seems however, from the communication referred, that the case there complained of, is just such an one, as it has been the object of the Council to guard against, and calls for, and deserves the immediate interposition and relief of this House.

The circumstances as gathered from the letter referred, are that before the passage, by this House, of an ordinance laying imposts and tonnage, and before it was even in contemplation McKinney & Williams had gone abroad, as had been their custom, to purchase and import their supplies of goods and merchandize, and in full time to have them imported before the passage of the impost and tonnage laws; but being detained, in consequence of the difficulties in which the country was involved, and delayed too by their engagements in her behalf; in procuring arms and vessels for her defence, the ordinance was passed, and their stock of merchandize much larger than usual, in consequence of the increased demand of the country, are now subject to heavy duties. While other merchants more attentive to their own immediate interests, than their country's weal, have escaped the consequences of the law.

Your committee, therefore, respectfully advise that the Government interpose in behalf of McKinney & Williams in this instance, and that they be released from the payment of the duties imposed by said law, as regards their present importations; and for that purpose your committee would respectfully submit the accompanying ordinance, &c.

The ordinance accompanying the above report was read the first time, and the rule suspended, when it was read a second and third time, when the question was taken on its final passage, and decided in the affirmative.

The same committee, through their chairman, Mr. Barrett, also made the following report, which was read and adopted:

*To the Honorable President and members of the General Council:*

Your committee on state and judiciary, to whom was referred the proceeding of the volunteers of Goliad, in favor of independence, and the proceedings of a public meeting held at Texana, upon the same subject—

Report, that the free expression of opinion in all matters of Government, is a right unquestioned among a free people, but when opinions become declarations, solemnly adopted by a few, adverse to the principles, and in their execution destructive to the very existence of the Government, the right of free discussion is transcended, and the safety of a whole community jeopardied, by the premature acts of a small part. The

last declaration of the volunteers at Goliad, savors greatly of the latter character, but is believed to have been inconsiderately adopted, without designing to produce the consequences to the country inevitable upon its execution. Of this fact your committee have been advised by the agents, through whom the documents was transmitted to this House, and who had been appointed to superintend its publication in the newspapers of Texas; and which agents, on being convinced of the evil tendency of further troubling our citizens by exciting and distracting subjects have prudently agreed to withhold all further publicity of which, they have advised their constituents, and merely request that the copy of the proceedings be permitted to remain upon the files of the Secretary of this House. This your committee advise may be properly done.

The proceedings of the meeting at Texana are without objections, being opinions offered to their fellow citizens, merely advising and for their consideration. The question of a declaration of independence, is vastly interesting and important in itself, and requires deep and long consideration from the people themselves.

The causes and effects of such a measure should be freely discussed to be well understood, and no action should be had upon a subject, so vitally important to the present and future destinies of Texas, until the public mind is well informed and harmonized, to meet all consequences firmly, and secure from self reproach.

The members composing the Provisional Government under its existing organization, as such, have no choice in directing their words or actions. The line of conduct is plainly defined to them, and to be consistent and just to themselves, their words must harmonize with their actions. All discussions in this House upon subjects at variance with its very existence, which we have severally sworn to support, must be regarded as forbidden to us here, whatever our private opinion may be as to the future policy to be adopted by the people of Texas. Time only can determine the correctness of any man's views, as regards the attitude to be assumed by this country in her political relations to the world. Officially, we are commanded "to touch not, handle not the unclean thing." As we severally fulfil our solemn obligations to our country, so shall we be cheered with the blessings of an approving conscience, and the smiles of the omnipotent and just God.

D. C. BARRETT,

Chairman of Committee on State and Judiciary.

Council Room,  
San Felipe, January 3, 1836. }

Mr. Royall presented the following resolution, which was read and adopted:

Be it resolved by the General Council of Texas, that the chairman of the committee of finance be appointed, and is hereby required to perform the duties of comptroller pro tem. of public accounts in case of that office being vacant, and that this resolution be in force from and after its passage, any ordinance and decree or resolution to the contrary notwithstanding.

Mr. Hanks from the committee on military affairs, reported resolutions respecting an expedition to Matamoras, in accordance with the report of

said committee adopted yesterday, which were read and ordered to lie on the table.

On motion of Mr. Royall, the ordinance and decree for the better accommodation of claims on the treasury, was taken up and read a second time and postponed till to-morrow.

On motion the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 5th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Kerr presented the account of John H. Money, for commission on money on public lands, seventeen dollars and forty-one cents, which was allowed, and the accounting officers, directed to draw for that sum to be paid out of the monies appropriated for contingent expenses of the House.

On motion of Mr. Kerr, the chairman of the committee of finance was directed to take up the draft given B. C. Wallace, and give a draft for eight dollars, to be paid out of funds appropriated for contingent expenses of the House.

Mr. Thompson submitted the discharge of Alexander Abrahams, one of the New Orleans volunteers, who was wounded at Bexar, which was read and ordered to lie on the table.

The president submitted the petition of T. Jefferson Chambers, for authority to raise an army or reserve for the protection of the liberties of Texas, which was read and referred to a select committee of three, consisting of Messrs. Barret, Royall and McMullen.

Mr. Hanks called up the resolution of the military committee, respecting an expedition to Matamoras, and offered a resolution, which was read and the whole laid upon the table until this afternoon.

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President submitted several letters recommending P. S. Wyatt and A. B. King of Alabama, who have volunteered their services in the cause of Texas, which were read and ordered to be placed on file.

On motion of Mr. Clements, the accounting officers were directed to take up the orders drawn in favor of Juan Cassilas, Manuel De Lias, Ignacio Cuillar, Juan Dose Cassillas, and give new orders for the same amounts, to be paid out of the first monies in the treasury, not otherwise appropriated.

Mr. Collard, from the municipality of Washington, was sworn and took his seat as a member of this Council.

On motion of Mr. Hanks, Mr. Tucker was appointed on the state and judiciary committee.

On motion of Mr. Hanks, Mr. Collard was appointed on the naval committee.

On motion of Mr. Barrett, Mr. Malone was appointed on the state and judiciary committee.

Mr. Hanks presented a resolution instructing the committee on the state and judiciary, to enquire into the expediency of opening and organizing the courts of justice, &c., which was adopted.

Mr. Barrett presented the account of D. B. Friar, superintendant of rangers, appointed by a former Council; which was referred to a select committee of two, consisting of Messrs. Thompson and West.

On motion, the House adjourned till seven o'clock, p. m.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President submitted several letters recommending John F. Ward and J. M. Chadwick, volunteers from the United States, which were read and ordered to be placed on file.

On motion of Mr. Barrett, a select committee of two was appointed, to wait on Messrs. Fannin and Johnson, with the resolutions respecting an expedition to Matamoras, and learn their views respecting the same. Messrs. Clements and Barrett were appointed on that committee.

Mr. Hanks from the committee on military affairs, to whom was referred certain communications from Goliad, reported progress, and asked and obtained leave to sit again.

The President submitted a letter from General Houston, recommending Wyatt Hanks for the appointment of sutler in the Texian army, which was read and referred to the committee on the state and judiciary.

Mr. Royall presented the following resolution, which was read and adopted.

Resolved, that the commandant of the post of Bexar be, and he is hereby authorized to dispose of such public property as is not needed for the support of the post on the best terms possible, and apply the proceeds of the same for the benefit of the post.

Mr. Hanks from the committee on military affairs, reported an ordinance to amend the ordinance for raising a legion of cavalry, which was read the first time, and ordered to a second reading to-morrow.

On motion, the discharge of Alexander Abrahams was taken up and considered.

Mr. Thompson presented a certificate from Doctor Pollard, surgeon of the volunteer army, respecting the wounds of Mr. Abrahams, and on motion the account was allowed, together with two months additional pay at twenty dollars per month.

The ordinance and decree to prevent the importation and emigration of free negroes and mulattoes, was taken up and read a second time; the rule of the House was suspended and the ordinance read a third time, when the question was taken on its final passage, and decided in the affirmative.

The Executive secretary presented, approved by the Governor, "An ordinance and decree for the relief of McKinney & Williams," also "a resolution requiring the committee of finance to act as comptroller pro tem. whenever that office is vacant."

The ordinance and decree authorizing the purchase of certain armed vessels of McKinney & Williams, and regulating the navy service, was taken up and read the third time, when the question was taken on its final passage and decided in the affirmative.

Mr. Clements, from the select committee to wait on Messrs. Fannin and Johnson, reported, that they had discharged that duty, and that the gentlemen named fully concurred with the resolutions.

The resolutions respecting the expedition to Matamoros, were then taken up and read.

It having been suggested that there was not a quorum present, a call of the House was made, when eleven members answered to their names.

The president submitted the question to the House, whether they were competent to transact business with that number? which question was decided in the negative.

The Secretary asked and obtained leave of absence for a few days.

On motion of Mr. Barrett, the military committee, were requested to wait on Mr. Burnham, and invite him to take a seat in the Council from the municipality of Austin.

On motion, the House adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 6th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

On motion of D. C. Barrett, E. B. Wood was appointed secretary pro tem. of the Council, and as such took the oath of office.

Jesse Burnham appeared, and took the oath of office as a member of this Council from the municipality of Austin.

Mr. Clements from the committee on military affairs, presented the following report, which was read and ordered to lie on the table:

Your committee to whom was referred the communications and reports received from P. Dimit, commandant at Goliad, have had the same under consideration, and we beg leave to report that it is important to afford, as far as in our power such relief to Captain Dimit as he asks for. He states officially, that he is in want of provisions, and that many troops under his command have families, who are entirely dependent upon their labor for subsistence, and that they have been in the service of Texas from the commencement of the war.

Your committee would therefore recommend, that Captain Dimitt, through his contractor or commissary, procure such supplies and provisions for the troops under his command, as are necessary for them, until provisions and supplies can be sent to that post by an agent in New Orleans. And that further, he be authorized to appoint a suitable contractor to obtain said provisions, in the place of the one already appointed by the General Council.

Your committee would further recommend that Captain Dimit be earnestly requested to remain commandant at Goliad, and to keep as many of the troops at present under his command, as will remain at that post.

Your committee further recommends that the commandant at Goliad, be authorized and empowered to dispose of the public property under his charge at Goliad, by public vendue, after giving ten days notice of said sale, and for the money due by the Government to the troops at that fort

to be considered as cash paid by said troops for such articles, as they may wish to purchase, to that amount for which Government may be indebted to them for their services, in all cases taking sufficient vouchers from said troops. Provided, that said commandant shall not dispose of any public property that will be necessary for the use of the army.

Your committee would further recommend to the Honorable the General Council, to request his Excellency the Governor, to order troops to the relief of the Commandant of Goliad, and further, should Captain P. Dimit resign the command which he now holds at the fort of Goliad, that he be and is hereby requested to make out a complete muster roll and army report to the Provisional Government, of the troops, their names, and every thing connected with the situation of said fort; the quantity of provisions and ammunition; and also the officer whom he leaves in command. Your committee would further recommend the adoption of the following resolutions:

Resolved, By the General Council of the Provisional Government of Texas, that his Excellency the Governor be, and he is hereby required to correspond with the Commandant at Goliad, P. Dimit, as to the course recommended in the foregoing report by your committee, and to give such instructions as may be necessary to keep possession of said post.

Resolved, further, That a certified copy of the foregoing report and resolutions, be furnished by the Secretary to the Governor, to be forwarded to P. Dimit, Commandant at Goliad.

James Bowie exhibited to the Council, orders from the Commander in Chief of the Army, to proceed against Matamoras, and took leave of the Council for his departure.

On motion of Mr. Hanks, a committee was appointed, consisting of Messrs. Hanks and Kerr, to wait on Mr. Bowie and request of him a copy of his orders for the expedition to Matamoras.

Whereupon the said committee obtained leave of the House and retired to execute the duties assigned them.

On motion of Mr. Royall, the Auditor and Comptroller are requested to draw on the Treasurer, in favor of John H. Money, for fourteen dollars, to be paid out of the funds appropriated for the contingent expenses of this House, being the sum advanced by him to the Courier from Goliad.

On motion, the House adjourned till three o'clock P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The Executive Secretary presented the following message from the Governor, which was read.

#### EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and Council:*

GENTLEMEN:—

I made a call on your honorable body, to know if an express could be immediately sent to New Orleans, with dispatches to our agents. This I deem absolutely necessary, for reasons before given. Will you please inform me on that subject. I have ordered the Commander-in-Chief to establish his headquarters on the frontier, to concentrate all the troops

in Texas, and occupy the most eligible points to afford protection, and keep the enemy in check, and to have every thing in a state of preparation for active operations, at the earliest possible day. I have been informed that Messrs. McKinney and Williams have received an armed vessel, which is now in our waters; before writing to our agents, I would like to know whether she is intended for the Government or not, and all the particulars connected therewith, in order that I may advise our agents particularly on that subject.

I am respectfully, &c. &c.

HENRY SMITH, Governor.

January 6, 1836.

On motion of Mr. Clements, the Auditor and Comptroller were required to draw on the Treasurer in favor of J. H. Holman, for six dollars, there being an error in the draft heretofore drawn in his favor, upon his account, and discharge heretofore allowed and filed.

On motion of Mr. Royall, the instructions heretofore given by the previous Council, to T. F. McKinney, to obtain a loan, were referred to the committee on the State and Judiciary.

A letter from T. F. McKinney, consenting to act as the special agent of the Government, in procuring supplies, &c., for the army, was presented by Mr. Clements, read and referred to the committee on State and Judiciary.

Mr. Hanks, from the select committee appointed to wait on James Bowie, to obtain a copy of his orders, reported and presented a copy of the same, which was ordered to be filed.

Mr. Thompson, from the select committee appointed to investigate the account of D. B. Friar, presented the following report, which was read and adopted.

The special committee to whom was referred the account of D. B. Friar, superintendent of the ranging corps, as ordered by the permanent Council, have had the same under consideration, and beg leave to report, as follows. Ten dollars to be deducted from said account for sending an express, and also ten dollars for shoeing horses; the balance of the account your committee would recommend to the Honorable the General Council to receive, as your committee find nothing incorrect in it.

Your committee further recommends, that the quantity of corn, to wit: thirty-one bushels, and ammunition and provisions, &c., yet on hand, be used by the rangers who are now in the service, until the regular corps of rangers can be raised and organized for the protection of the frontier, and if any should remain, at that time, it can be disposed of, and the proceeds thereof paid over to the Government; and that two pack horses be continued in the service as aforesaid, when they can be disposed of, as before mentioned, by order of the Government.

A. THOMPSON, Chairman.

On motion of Mr. Clements, it was ordered, that Captain P. Dimitt be advised, by express, or otherwise, that the Government has paid fourteen dollars to redeem a horse pledged by his express rider for that sum, and that Captain Dimitt shall retain in his hands fourteen dollars of said express rider's pay, or otherwise secure the same amount, and also to hold the said express rider responsible for any other property belonging to the

public, that he shall not account for and return, by withholding from him and retaining its value.

Mr. Tucker offered the following resolutions which were read and adopted:

Be it resolved, By the General Council of the Provisional Government of Texas, that the name of the Municipality of Tenehaw be and the same is hereby altered and changed to that of Shelby, and that all acts hereafter passed, and business done, shall be in the name of the Municipality of Shelby.

Be it resolved, &c., That the town of Nashville, be, and the same is hereby made the seat of Justice for said Municipality of Shelby.

Be it further resolved, &c., That there be an election precinct in the eastern part of said Municipality, and that the election in said precinct shall be holden at the residence of James B. Jackson; and that hereafter for all elections for said Municipality, polls shall be opened at said place, and correct returns of the votes given in by the persons superintending said elections, made to the seat of Justice at Nashville.

The committee on the State and Judiciary, to whom was referred the communication of the Auditor of public accounts, made the following report, accompanied by sundry resolutions, all of which were read and unanimously adopted.

To the Honorable the President and General Council of the Provisional Government of Texas.

Your committee to whom was referred the communication of the Auditor of public accounts, (J. W. Moody,) respectfully report—

That upon examination of the resolution of November 11th, 1836, they find it vague and ambiguous. By a strict and literal construction of the resolution, no volunteers who were at the time of its passage in the service of Texas, are entitled to the benefit of its provisions, and those who were embraced within its provisions, are entitled to twenty dollars per month from the time they left their homes, until they returned, without stipulating any time or any number of miles per day, by which their mileage or allowance for travelling may be computed. But your committee are of opinion that to give the resolution the meaning it *prima facie* imports, would not be construing it according to the object designed by the House in its passage. It surely was the intention of the House that all volunteers who entered the service at any time before, and continued in service until the capitulation of Bexar, and were honorably discharged, should be entitled to the benefits of the resolution; and that some rates of mileage should be defined, and some time allowed and specified after leaving their homes, until they enter the service, and for them to return to their homes. In remedy whereof your committee advise the adoption of the following resolutions:

Resolved, That the resolution of the Convention passed on the 11th November, 1835, allowing certain pay to volunteers who were then in the service of Texas, and should continue therein until the reduction of Bexar, be extended to embrace all volunteers who joined the service as aforesaid, at any time before the taking of Bexar, and continued therein until its reduction, and were or may have been honorably discharged, and the rates of computing mileage under said resolution shall be twenty

miles for each day allowed to be audited and settled as provided in other cases of claims connected with the volunteer army aforesaid.

Be it further resolved, That all volunteers who turned out for the purpose of aiding the citizen army before Bexar, upon the call made by the Provisional Government, through their agents, appointed by resolutions passed the 10th day of December, 1835, shall be entitled to the same pay and allowance for mileage, going and returning, as is given and allowed by the first section of those resolutions; and to be in the same manner audited and settled.

Be it further resolved, That the Auditor shall be empowered, and he is hereby empowered, when required by any claimant, or when in his own opinion it may be necessary for doing justice, to call witnesses before him, by subpoena, and on neglect or refusal of any witness to obey such subpoena, to issue compulsory process, to bring such witness or witnesses before him, to give testimony on oath, which he is empowered to administer, touching the matter under investigation; and if such witness or witnesses shall refuse to testify, he, she, or they, shall be fined, in any sum not exceeding the amount claimed in the case wherein he, she, or they are called to testify. And all and every Sheriff, deputy Sheriff, or other ministerial officer of Texas, shall be compelled to execute any process issued and directed to them, or either of them, by the Auditor relating to witnesses, under the same pains and penalties, in case of refusal or neglect as could be inflicted, in case of refusal or neglect to execute any process issued to him or them from any Court, Judge, or other Judicial officer of Texas.

The committee on State and Judiciary, also, made the following report, which was read and adopted.

To the Honorable the President and General Council of the Provisional Government of Texas.

Your committee to whom was referred the proceedings of the Court of Enquiry, held in the town of Goliad, to investigate certain charges preferred against Hugh McDonald Frazier, beg leave respectfully to report: That they are at a loss to conjecture for what purpose the document referred could have been sent to this Council, or what action it is contemplated this House can have upon it. Can it be expected that this House is to pronounce upon the case there set forth? Proper tribunals have been created, both civil and military, whose province it is to hear and determine these matters. True, it appears from the testimony in the case, that Frazier's conduct in regard to the plugs of tobacco, &c., is very reprehensible, but is it to be expected that this house is to take cognizance of all petit larcenies and thefts, committed in the army or elsewhere? If the House receive and consider communications of this kind, and waste their time, so precious to the country, in its present embarrassments, in giving countenance and ear to matters so totally foreign to the objects of its organization, and so far without its sphere of action, we cannot hope to meet the expectation of our constituents whose interests we are appointed to guard.

Your committee with all deference and respect to this honorable body, would further say, that they are equally at a loss to conceive what report the House could have expected of them on the matter referred, or for what purpose it was committed to them. Were the house to act on such matters only, so far as they require acting upon, your committee are well

assured that they would be saved the labour of making report, and useless expenditure of stationery (at this time in no great abundance here,) upon them, and the House the fatigue of hearing these reports read.

On motion of Mr. Clements, the report of the committee on military affairs, and resolutions concerning the expedition to Matamoras, were called up and read, and Mr. Hanks presented a letter from F. W. Johnson, declining any participation in the contemplated expedition to Matamoras, which was also read, and the House went into secret session, to consider and act upon the same, whereupon the report and resolutions together with the letter, aforesaid, were on motion of Mr. Royall, re-committed to the committee on military affairs, and on motion of Mr. Hanks, Mr. Barrett was added to the committee for this special case.

On motion of Mr. Royall, the secret session then closed.

On motion of Mr. Royall the members of the Council were released from any obligations of secrecy, in regard to the acts of the Council in secret session, which appear upon the journal and record.

On motion the House adjourned till nine o'clock tomorrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 7th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

On motion of Mr. Royall, the report of the committee on State and Judiciary, to whom was referred the report of Thomas Barnett a commissioner appointed to investigate the case of the Hannah Elizabeth, was taken up, and on motion of Mr. Barnett, was re-committed to Mr. Royall, who is appointed a special committee to revise and correct the same, and report thereupon this evening.

Mr. Barrett, chairman of the committee on State and Judiciary, to whom was referred the subject of instructions to T. F. McKinney, to negotiate in behalf of the Government a loan, and the papers and documents concerning the same, presented a report and resolution, which on motion of Mr. Hanks were unanimously adopted.

A letter from D. B. Friar, to the President and Council, was presented by the President, read and referred to the Committee on Indian affairs.

On motion of Mr. Barrett, the orders of the day were then taken up.

An Ordinance and decree to amend "An Ordinance and decree for augmenting the regular army of Texas, and for raising a Cavalry corps," was taken and on motion of Mr. Clements, section the sixth was added, and on motion of Mr. Hanks, was re-committed and made the special order of to-morrow.

On motion of Mr. Kerr, the message received from the Governor on yesterday, was referred to the committee on State and Judiciary.

An ordinance and decree prescribing the manner in which all claims against the Government shall be presented, and such restrictions as to prevent fraudulent imposition upon the Government, was taken up and read a second time, and on motion of Mr. Clements its title was changed to "An Ordinance and decree prescribing the manner and form of set-

ting the accounts of the volunteer army of Texas, and for other purposes," when the rule of the House was dispensed with, and the ordinance read a third time, and the question taken on its final passage, which was decided in the affirmative, and ordered that the said ordinance and decree do pass, and the title thereof be as aforesaid.

Mr. Royall who was appointed a special committee to revise and correct the report of the committee on State and Judiciary, made the following report, which was read and adopted.

*To the Honorable, the General Council of the Provisional Government:*

Your committee to whom was recommitted the report of the committee on State and Judiciary, to whom was referred the report of Thomas Barnett, Esq., a commissioner appointed to investigate the affairs of the schooner Hannah Elizabeth, &c.

Respectfully advise the appointment of one additional Commissioner, to be commissioned and instructed by the Governor, agreeably to the ordinance already passed on that subject and be directed forthwith to proceed in conjunction with those already appointed to the prompt discharge of the duties assigned them; and therefore recommend the adoption of the following resolutions:

Resolved, That Isaac E. Robinson be, and he is hereby appointed a commissioner to unite with Robert H. Williams, James Collinsworth and Thomas Barnett or any one of them, and act in conjunction in the investigation of the case of the schooner Hannah Elizabeth, as provided by an ordinance and decree passed the 17th December, 1835, and that the Governor be required to issue a new writ and instructions to said commissioners, agreeably to the provisions of the ordinance and decree aforesaid.

Be it further resolved, That the Secretary cause to be furnished said commissioners, a copy of all charges presented before this Council in relation to the Hannah Elizabeth.

Be it also resolved, That any two of our said commissioners be authorized to discharge the duties assigned them, and to employ counsel if necessary.

Be it also resolved, That Thomas Barnett be allowed thirteen dollars for his expenses, and three dollars per diem, for his past services, and that the aforesaid commissioners shall all be allowed three dollars per diem, besides their reasonable expenses to be settled in the same manner as other public accounts.

On motion of Mr. Royall, "An Ordinance and decree for the better accommodation of claims against the treasury, were taken up, and on motion of Mr. Hanks, was recommitted to the special committee with whom it originated.

The report and resolutions of the committee on military affairs, to whom was referred the report of P. Dimitt, commander at Goliad, were taken up, read and adopted.

On motion of Mr. West, a committee was authorized to be appointed; and for that purpose, Mr. Royall nominated Mr. West, who was appointed that committee, to sell a horse belonging to the Government, the same that was pledged by P. Dimitt's express rider, and redeemed by the Council, and make report thereon, this evening.

Mr. Tucker presented an account of John Gilbert, which was referred to the committee of finance; and on motion of Mr. McMullen, Mr. Barrett was added to that committee for this special case.

Mr. Hanks from the committee on military affairs, to whom was re-committed the report and resolutions in relation to an expedition to Matamoras, presented a report and resolutions which were read, an amendment was offered by Mr. Clements and accepted, and the resolutions, as amended, with the report, were unanimously adopted as follows, viz:

*To the Honorable, the General Council of the Provisional Government of Texas:*

Your committee to whom was re-committed the report and resolutions of the committee on military affairs, respecting an expedition against Matamoras, contemplating the appointment of J. W. Fannin and F. W. Johnson, as agents, clothed with certain powers for collecting and concentrating volunteer troops for carrying into effect the intended plan of operations in the descent upon Matamoras, as designed by the Provisional Government of Texas; in consequence of Mr. Johnson's declining to act as agent, for reasons submitted by himself, and entirely satisfactory to this Council, your committee report for the consideration of this House, the following resolutions:

1st. Be it resolved, By the General Council of the Provisional Government of Texas, that J. W. Fannin be, and is hereby appointed and empowered, as an agent for and in behalf of the Provisional Government of Texas, to raise, collect and concentrate at, or as near the post of Copano, as convenience and safety will admit, all volunteer troops willing to enter into an expedition against Matamoras, wherever they may be found, at the mouth of the Brazos, city of Bexar, or elsewhere, whether in Texas, or arriving in Texas, and when thus collected and concentrated, to report, either to the Commanding General, or to the Governor or Council, as he may prefer, agreeably to the seventh section of an ordinance and decree passed on the fifth day of December, 1835, for raising an auxiliary corps to the regular army, and continue to report from time to time, as the expedition may progress.

SEC. 2d. Be it further resolved, &c., That the said agent J. W. Fannin be, and is hereby authorized and empowered to call upon Thomas F. McKinney the general agent of the Commissary Department, or any other public agent, store-keeper or supplying officer of the Government, for the proper and necessary munitions of war, the usual supply of provisions apportioned to number and rank, and the means of transportation thereof, and of the troops, aforesaid, by land or by water, which call and orders of said agent, shall be respected by all public agents or officers aforesaid, and said agent's receipt shall be respected by the government.

SEC. 3d. Be it further resolved, &c., That the said agent J. W. Fannin be and is hereby authorized and empowered to negotiate a loan of three thousand dollars, at not more than ten per cent. interest, to be paid out of the first monies not otherwise especially appropriated, at this date, or the first money which shall come into the treasury of Texas.

SEC. 4th. Be it further resolved, &c., that on the concentration of the volunteer troops as aforesaid, that an election for a commander and other

officers shall be made, agreeably to the law regulating the auxiliary volunteer corps, as referred to in section first of these resolutions.

SEC. 5th. Be it further resolved, &c., That after the agent of the Government aforesaid, J. W. Fannin, shall have so raised, collected, and concentrated the said volunteer troops, that he shall make a descent upon Matamoros, if he deems it practicable to take said place, or such other point or place, as the said agent may deem proper.

SEC. 6th. Be it further resolved, &c., That the aforesaid agent, J. W. Fannin, shall be authorized and empowered to appoint such special agent or agents under him, as he shall deem necessary to carry into effect the object of these resolutions, and to delegate to such special agent or agents, such powers in writing as he may think proper and not inconsistent with the powers of his own agency.

SEC. 7th. Be it further resolved, &c., That J. W. Fannin shall be furnished with a copy of the foregoing report and resolutions, duly certified, immediately upon their passage.

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Royall, an allowance of one hundred dollars was made to G. Logan, who was wounded at Bexar, independent of what he may be entitled to for his monthly services.

On motion of Mr. Barrett, Mr. Burnham was placed on the committee of finance.

Mr. Barrett, on leave of the House first obtained, offered a resolution, in addition to the resolution, giving instructions to McKinney and Williams, for negotiating a loan, which was unanimously adopted.

Mr. Barrett, on leave of the House, from the select committee to whom was referred the proposition of T. J. Chambers, for raising an army of reserve for the protection of the liberties of Texas, reported an ordinance and decree which was read, and on motion of Mr. Hanks, the report was adopted; the rule of the House was then dispensed with, and the ordinance and decree was read a second time.

On motion, the rule of the House was further suspended, and the ordinance read a third time, and the question taken on its final passage, which being decided in the affirmative, it was ordered that the said ordinance and decree pass, and that the title be as aforesaid.

On motion of Mr. Barrett it was ordered, that the committee on Naval affairs, be required to examine into the expediency of retracting all letters of marque and reprisal heretofore granted by this Council.

And on motion of Mr. West, Mr. Barrett was added to said committee, for this special case.

On motion of Mr. Barrett, the disposition made by the House, of "An Ordinance and decree, to amend an ordinance and decree for augmenting the regular army of Texas, and for raising a Cavalry corps," in the forenoon, was reconsidered, and again taken up; when Mr. Kerr moved to strike out part of the third section, which motion was rejected, and an amendment offered by Mr. Clements, by adding a seventh section; which was adopted. And on motion, the said ordinance and decree was read a third time, and the question being taken on its final passage, it

was decided in the affirmative, and ordered that said ordinance and decree do pass, and the title thereof, be as aforesaid.

On motion of Mr. Royall, an allowance of one hundred dollars is made to E. P. Pulliam, who was wounded at Bexar, in addition to forty-five dollars, which is also allowed him, on his discharge for his monthly pay.

Mr. Thompson presented the report of D. B. Friar; which was referred to the committee on military affairs.

Mr. Royall, from the special committee, to whom was re-committed, "an ordinance and decree for the better accommodation of claims against the Treasury," reported the same; and on motion of Mr. Barrett, the same was ordered to be read by sections.

Whereupon, Mr. Barrett offered an amendment, by which "all persons having claims against the Treasury, should be obliged or bound to take Treasury notes;" on which the question be taken, the House was divided, and the President voting in the negative, the amendment was lost.

The rule of the House being dispensed with, the said ordinance and decree was read the third time. The question was then taken on its final passage, upon which question the ayes and noes were called for, and were as follows, viz:

AYES—Messrs. Burnham, Hanks, West, Royall, Malone, McMullen, Thompson, and Collard.—8.

NOES.—Messrs. Clements, Kerr, Barrett and Tucker.—4.

A majority appearing in favor of said ordinance and decree, it is ordered that the said ordinance and decree pass, and the title thereof be as aforesaid.

M. Hanks, chairman of the committee on military affairs, presented the following report, which was read and adopted:

The committee on military affairs, to whom was referred the communication from B. F. Duval, have had the same under consideration, and would advise the House to instruct B. F. Duval, if he does not wish to join the volunteers in their expedition as contemplated, against Matamorras, to report a muster roll of his company, or the troops under his command, to the Governor and Council, accompanied with the desire of himself and troops, as to what portion of the army they wish to be attached; whether to the regiment infantry or artillery in the regular army, or to the auxiliary corps or legion of cavalry to the regular army; and if he should wish to join either of them, for what length of time?

Your committee would further recommend the adoption of the following resolution:

Resolved by the General Council of the Provisional Government of Texas, that his Excellency, the Governor be, and he is hereby required to communicate to B. F. Duval, upon the subject of the foregoing report; and also to forward a copy of this report and resolution to the said B. F. Duval.

WYATT HANKS, Chairman.

The Executive Secretary presented the following message from the Governor:

## EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and members of the Council:*

GENTLEMEN—

The preamble of the committee originating an ordinance and decree, authorising the purchase of certain armed vessels therein named, of Messrs. McKinney and Williams, and for other purposes, &c. I have considered the same, with that attention which I considered the subject merited, and have enclosed it back, with the following exceptions:

In the first place, our agents advise us, that they had purchased the William Robbins, and now have her in possession, and have changed her name to that of Liberty, and that they have pledged the faith of the country for payment, &c.

They were certainly authorized to do so. It must be presumed that their judgment was exercised in the purchase, and whether it be good or bad, I consider your body has no right to interpose and counteract by legislation, what they have done in conformity with their vested authority. And as it respects the purchase of the other armed vessel, called the Invincible, the ordinance, as it now stands, leaves the matter entirely open and dependent on contingent circumstances.—The holders might not agree to take the price reported by our commissioners, for I consider the matter left entirely open. If the commissioners report that the vessel, &c., will answer as one of our naval vessels, in conformity with the law creating the navy for Texas, and the holders are willing to take cost and charges, let the contract be positive and binding on both parties: Provided, the vessel be found to answer by our commissioners, and not leave the matter open for bargain and sale after the report is made. If the commissioners report her as coming within the provisions of the law creating a navy for Texas, the contract should stand as closed: Provided, the commissioners report her as coming within the purview of the law. Otherwise, we have no authority to make the purchase. It cannot be forgotten that our agents are specially instructed on that subject, and if not immediately advised, will on their arrival in the United States, employ agents to make the purchase. I consider the Council should not breed confusion by infringing on the authority which they had already vested in their agents.

I would suggest to your body, that from the activity and patriotism of the holders, Messrs. McKinney and Williams, and their zeal, as has in many cases been evinced, to serve the public, that I would be disposed to take the report of Mr. McKinney, as soon as any other agent, which you have or could appoint. And if from his report, you should find the vessel to come within the purview of the law, let the bargain be closed at once, and our agents forthwith informed.—William P. Harris, collector of the port of Galveston, could be immediately notified to receive her in the name of the Government.

I therefore confidently hope that your honorable body will reconsider the ordinance, and so alter and amend it, as to prevent conflict and injury. I am respectfully

HENRY SMITH, Governor.

On motion of Mr. Barrett, leave was granted Mr. Kerr to return home, with a request, however, that he will remain until the transaction of some important business in the morning.

The Council adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 8th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

On motion of Mr. Barrett, the orders of the day were taken up,

An ordinance and decree creating a new municipality to be called "Colorado," was taken up and read a second time, and on motion of Mr. Burnham, the first section was stricken out, and an amendment offered by himself: adopted. The rule of the House was then suspended, and the ordinance and decree read the third time; when the question was taken on its final passage, and was decided in the affirmative:—Whereupon, it was ordered that the said ordinance and decree do pass, and the title thereof be as aforesaid:

Mr. McMullen, chairman of the committee of finance, to whom was referred the claim of John Gilbert, offered a report; which, on motion of Mr. Hanks, was laid on the table, until this evening.

The Executive Secretary presented a letter from Mr. Randall Jones, directed to the Governor, resigning his seat as a member of this Council, from the municipality of Austin; which was read and ordered to lie on the table.

The objections of the Governor, contained in his message delivered and read yesterday, returning "an ordinance and decree authorizing the purchase of certain armed vessels of McKinney and Williams, and regulating the naval service," was taken into consideration, and the vote of the House was taken on the passage of said ordinance and decree, the objections of the Governor to the contrary notwithstanding; which was carried by the following constitutional majority.

AYES—Messrs. Burnham, Hanks, Kerr, West, Barrett, Royall, Malone, McMullen, Tucker, Thompson, and Colard.—11.

NOES.—Mr. Clements.

Whereupon, it was ordered that the ordinance and decree, do again pass, and the title thereof be as aforesaid.

Randall Jones appeared and took the oath of office as a member of the Council, from the municipality of Austin.

Mr. McMullen, chairman of the committee of finance, presented the following report and resolutions; which were adopted:

*To the Honorable, the President, and members of the Council:*

Your committee, to whom was referred the petition of Hendrick Arnold, in behalf of his father-in-law's family, Erastus Smith, report, that the most essential and dangerous services have been rendered by Erastus Smith, before and in his attack upon Bexar, proving his devoted patriotism and heroic daring in every engagement with the enemy, in con-

sequence of which, himself and family have been deprived of every means of support, and are thrown upon the generosity and justice of the country, while he is now confined in Bexar, with several wounds inflicted by the enemy, while he was fighting in his country's cause.

Your committee have no hesitation in saying that the bounty of the country is demanded, as an act of justice to a brave man, from the Government; and therefore advise the adoption of the following resolution:

Be it resolved, that a gratuity or an allowance of one hundred and fifty dollars be made and given to Erastus Smith and his family, and that the auditor be directed to draw a draft to this effect upon the Treasurer, specially stating that the same is to be paid from the first monies that come into the Treasury, not otherwise specially appropriated, and that a copy of this report and resolution be immediately given to said Smith, through some members of his family.

JOHN McMULLEN, Chairman.

Mr. McMullen, from the same committee, also made the following report; which was read and adopted:

The committee of finance, to whom was referred the letter of the chairman of the committee of safety of Matagorda, have examined the same, and beg leave to report to the House, that your committee know nothing of said order, as no order has been received or seen by your committee: neither are there any vouchers or satisfactory evidence accompanying said letter.

Your committee further states to the House, that the Government has not means to meet said demand, even if there was an order, and that accompanied by sufficient vouchers.

JOHN McMULLEN, Chairman.

Mr. McMullen, from the same committee, also made a report on the subject of Thomas Bray's accounts; which was ordered to be filed.

Mr. Barrett obtained leave of the House to introduce an ordinance and decree, authorising and empowering Thomas F. McKinney and Samuel M. Williams, of the firm of McKinney & Williams, to effect a loan for one hundred thousand dollars, and for other purposes, to be considered as enrolled; which was read the first time and the rule of the House suspended, when it was ordered to a second reading, which being done, on motion, the rule of the House was further suspended, and said ordinance and decree were read a third time; when the question was taken on its final passage and decided in the affirmative. It was then ordered that said ordinance and decree do pass, and the title thereof be as aforesaid.

Mr. Barrett, chairman of the committee on the state and judiciary, to whom was referred the following letter from T. F. McKinney, made a report, which was read and adopted.

SAN FELIPE DE AUSTIN, }  
 January 5th, 1836. }

*To the Honorable President and members of the General Council:*

GENTLEMEN:

I have no hesitation in agreeing to act in the capacity indicated in your ordinance of the 3d inst., as special agent to procure supplies for the support of the army, until a suitable person be appointed to discharge those duties. I am from this time forward prepared to receive your orders and instructions on the subject, with a request that you be generally as explicit as possible.

I am very respectfully, &c.,

THOMAS F. MCKINNEY,

*To the Honorable the General Council of the Provisional Government of Texas:*

Upon the above letter of Thomas F. McKinney, your committee on state and judiciary, advise that the Governor be notified of the acceptance of Mr. McKinney, as agent of the Commissary General's Department of Texas, and that the corresponding appointment may be made and signed by him, by and with the advice and consent of the General Council, as the legal authority to the said agent, and that the requisitions of the law creating and defining the duties of the Commissary General be complied with by the said agent, and regulate his conduct of the department, in the same manner as if commissioned as Commissary General.

D. C. BARRETT, Chairman.

Council Hall, January 8th, 1836.

Mr. Clements, from the committee on military affairs, to whom was referred the communication of F. W. Johnson, in regard to P. Dimitt, reported that no action was required upon said communication; which report was read and adopted.

Mr. Clements, from the same committee, to whom was referred the letter of J. W. E. Wallace, made report, recommending to the House, the acceptance of his resignation; which was read and adopted.

Mr. Barrett, chairman of the committee on the state and judiciary, to whom was referred the Governor's message, of January sixth, made the following report; which was read and adopted:

Your committee on state and judiciary, to whom was referred the message of his Excellency, the Governor, of the sixth instant, reports, that they are fully aware of the necessity of speedily communicating with our foreign agents, and giving them the additional instructions advised by this House; and that they have consulted Thomas F. McKinney, Esq., who is about leaving for New Orleans, and that he agrees to carry all dispatches from the Government to that city, under such directions as may be given, either by himself or a responsible agent, with the greatest possible expedition. Your committee therefore advise, that this mode of communication be adopted, and that the Governor be immediately informed thereof, that all the necessary documents and preparations may be made and delivered in the course of this day.

Your committee advise that the ordinance authorizing the purchase of the vessels William Thompson and Invincible from McKinney and Williams, being now with the Executive, no action on that part of the message can be necessary, and recommend that a copy of this report be forthwith made and sent to the Governor for his information and correspondent action.

D. C. BARRETT, Chairman.

Council Hall, January 8th, 1836.

Mr. Hanks presented a list from T. F. McKinney, containing the names of the volunteers who arrived on the schooners DeKalb and Louisiana; which was ordered to be filed.

Mr. West, from the special committee appointed for that purpose, made the following report; which was read and adopted:

*To the Honorable, the President and General Council of the Provisional Government of Texas:*

Your committee, appointed to dispose of a horse belonging to the Government, which was pledged by P. Dimitt's express rider, and redeemed by this Council for the sum of fourteen dollars, begs leave to report, that he offered said horse for sale, and sold the same at public auction in San Felipe, on the seventh inst., to a Mr. Winburn, for the sum of thirty-six dollars; which he has received and deposited in the Treasury, as will appear by the Treasurer's receipt herewith returned.

C. WEST.

On motion of Mr. Barrett, Messrs. Jones and Thompson were appointed a special committee to send by express to Columbia, for two or four reams of paper for the use of this House, and it is ordered that the auditor draw an order in favor of said committee on the Treasury, for fifty dollars, to be paid out of the funds of the contingent expenses of this House, for the purposes aforesaid.

On motion, the House adjourned until three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Clements presented the petition of E. W. Cullen, in behalf of R. H. Forte, with the accompanying affidavit and account for the loss of a horse worth one hundred dollars, and his services in the army for fifty-five dollars; which were allowed.

On motion of Mr. Tucker, the report of the committee on finance, in relation to John Gilbert's account, was taken up and allowed, and it was ordered, that the property, viz: the waggon, horses and harness on which said claim is based, shall be the property of the Government; and Mr. Tucker is further ordered to present on to-morrow morning, a resolution requiring Mr. Grant to account to the Government for the same.

Mr. Tucker presented the account of Reddin Gainer, for his services as a volunteer in the army; which was allowed, together with twenty days, to be reckoned after the 28th day of December, 1835, for his return home.

The President submitted sundry letters and documents, brought by express, and the House went into secret session to consider and act upon the same.

The secret session closed, and on motion, the House adjourned until to-morrow morning, at nine o'clock.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 8th, 1836. }

Special call of the Council.

EIGHT O'CLOCK, P. M.

The Council met.

Mr. Barrett offered the following resolutions:

Whereas, the Mexican sloop of war, Montezuma, is now reported to be in the bay of Galveston, and Texas is not in full possession of any vessel of sufficient force to meet her in action, and whereas the schooner *Invincible* is offered to the Government of Texas, by Messrs. McKinney and Williams, upon terms which Government accepts, therefore,

Be it resolved, that a register of said schooner *Invincible*, be made as the property of the Government, under the directions of the Governor, who is hereby authorized to execute the same, and give a duplicate thereof into the hands of Thomas F. McKinney, as evidence of the ownership of said vessel, and to retain the other on the files of the executive office.

Be it further resolved, that the Governor is advised and authorized to issue to Thomas F. McKinney, a letter of appointment as commander of the schooner *Invincible*, as a national vessel of war, removable at the pleasure of the Governor and Council, and instruct said McKinney to take command of said vessel of war, and man and provide her for a cruise against the enemy, within the Gulf of Mexico or any of its waters, until further ordered, and that he report of his proceedings and acts to the Governor and Council, under the proper instructions to be given by the Governor, with the letter of appointment aforesaid; which resolutions were read and unanimously adopted, and a special committee, consisting of Messrs. Royall and McMullen, appointed to wait on the Governor immediately, to carry into effect the object of the resolutions.

A letter from Edward Hall, presented by the President, was read and referred to the committee on military affairs.

On motion, a respite for half an hour, was given for the committee to retire to effect the objects of Mr. Barrett's resolutions.

The House was again called to order after the half hour had expired.

On motion of Mr. Barrett, it was ordered that a copy of the resolutions adopted to-night, be immediately forwarded to our public agents in the United States of the North, through T. F. McKinney.

On motion, the House adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 9th, 1836. }  
 NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

The journal of yesterday's proceedings being read, Mr. McMullen, to whom was referred the letter of M. Caldwell, made the following report; which was read and adopted:

*To the Honorable, the President and General Council of the Provisional Government of Texas:*

Your committee on finance, to whom was referred the communication of Mr. Caldwell of Gonzales, respectfully report, that they have examined the same, and approve of the drafts drawn on the Government in favor of Dennis and Miller, for two hundred and eighty-nine dollars forty cents, and seventy-eight dollars ninety cents, but disapprove of the former drafts being drawn at sight, as it was not in the power of Mr. Caldwell to know what might be the state of the Treasury, or its ability to discharge the draft on its presentation. Your committee would nevertheless advise the allowance of said drafts, placing them on the same footing with other claims against the Government.

In regard to the situation of the mill alluded to in said communication, your committee reasonably infer from the lapse of time since the writing of the communication, which is dated on the second of December, that it has before this been repaired, so as to answer the grinding necessities of the army at Gonzales, and therefore deem it unnecessary to advise any course in relation thereto.

JOHN McMULLEN, Chairman.

Mr. Tucker introduced resolutions in relation to John Gilbert's wagon, team and harness, pressed and taken from said Gilbert by Mr. Grant; and Mr. Clements offered an amendment; which was adopted; and on motion of Mr. Hanks, they were ordered to lie on the table.

The President presented the auditor's report; which on motion of Mr. Barrett, was ordered to be filed.

The committee on military affairs, to whom was referred the account of D. B. Friar, report, "that the accounts belong to some other committee, and not the military;" which report was read and adopted.

Mr. Barrett, chairman of the committee on the state and judiciary, to whom was referred General Houston's letters, in relation to the appointment of Sutler, made the following report; which was read and adopted.

*To the Honorable, the General Council of Texas:*

Your committee on state affairs and judiciary, to whom was referred the letter of General Sam Houston, for regulating the appointment and duties of Sutler, &c., report, that the importance of having sutlers regularly appointed for supplying the army with such articles, as are wanted and often unprovided by Government, under army arrangements, has too long been admitted and practised, to require proofs or admit of doubts.

In the organization of the armies of Texas, this department of the service was no doubt contemplated, although not expressly provided for. In as much as the Sutler provides from his own capital, there can arise no pecuniary responsibilities to the Government, and the only require-

ments are an efficient man, with the capital of sufficient means to prevent the probability of any inconvenience arising in consequence of a dependence upon this source for the purchase of such articles, as are usually expected from this department in army organizations.

Your committee therefore advise the adoption of the following resolutions:

*“Resolutions organizing and appointing a Sutler to the army of Texas.”*

Be it resolved, that there shall be a Sutler appointed for the armies of Texas, and that this department of the military service shall, in all respects, be regulated and governed by the same rules and principles, as govern and regulate the practice in this department in the United States of the North.

Be it resolved, that there shall be one Sutler appointed for the armies of Texas, whose duties shall be regulated upon the rules and practice as directed in resolution first: Provided, that that the said Sutler shall have power to appoint Suters to act under him at such points as the Governor or commanding General shall direct, and for the faithful performance of the duties of each sub-Sutler, so appointed by him, the Sutler shall be accountable agreeably to law, as aforesaid:

On motion of Mr. Barrett, Messrs. Jones and Thompson were added to the committee on Indian affairs.

Mr. West, of the committee on naval affairs, to whom was referred the subject of letters of marque and reprisal, reported progress, and asked leave to sit again; which was granted.

Mr. Thompson, from the special committee appointed to obtain paper for the use of the House, made the following report; which was read and adopted:

*To the Honorable, the General Council of Texas, &c:*

Your committee of two, appointed specially to procure and send an express to Columbia for paper for use of the Government, beg leave to report, that they have endeavored to obtain horses, suitable for that purpose, but have not been able to obtain them: Also, that they herewith return the drafts on the Treasurer for fifty dollars, drawn to send for said paper.

On motion of Mr. Barrett, the draft drawn in favor of said committee for fifty dollars for the purposes aforesaid, was ordered to lie on the table.

Mr. Barrett presented the testimonials of James Patterson, an enlisted soldier in the legion of cavalry, and his application for the office of Gunner and Armorer, on board the schooner Invincible, in the naval department.

Ordered that his testimonials be filed.

On motion of Mr. Barrett, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The communications of Hugh McDowell Frazier were taken up, and at the suggestions of the President ordered to be filed.

James B. Jamieson's letter of recommendation for the office of Engineer for the army of Texas was taken up, and at the suggestion of the President, ordered to be filed.

The resolutions requiring Colonel Travis, under the order of the commandant to proceed to Matamoras, were taken up, and leave given Mr. Royall to withdraw them.

Resolutions suspending land offices, were taken up and ordered to be filed.

Randall Jones' letter of resignation was taken up, and at the suggestion of the President, ordered to be filed.

A report from the auditor of public accounts, was presented by the President, and referred to the committee of finance.

Mr. Royall introduced the following resolution; which was read, and on motion of Mr. Hanks, was laid on the table:

Be it resolved by the General Council of Texas, that in addition to the evidence already required by law, that before the auditor shall receive and admit any claim for horses or other property lost in the army, he shall require a certificate of a proper officer or express rider, setting forth that the property in question was lost or killed in battle, pressed into service, or an actual purchase made for the use of the public.

R. R. ROYALL.

January 9th, 1836.

A communication from Mr. Jack, agent for Empresarios Austin and Williams, on the subject of opening the Land Offices, was presented by Mr. Barrett and read, and on motion of Mr. Hanks, referred to the committee on state and judiciary.

An ordinance and decree in relation to the disposition of lands in Texas, was on motion of Mr. Barrett, taken up, and on motion of Mr. Clements, ordered to lie on the table for one day.

The resolutions of Mr. Tucker, in relation to the waggon, team and harness, pressed by Dr. Grant, and taken from John Gilbert, were taken up, and on motion of Mr. Hanks, ordered to lie on the table until Monday.

The Council then went into secret session for transacting business.

The secret session closed, and on motion of Mr. Clements, the seals of secrecy were removed from the acts of the House in the secret session aforesaid: Whereupon the following was disclosed:

The House went into an election of judges for the municipality of Colorado; when the following ballots were counted, viz:

For first judge, William Meniffee, twelve votes.

For second judge, William D. Lacy, twelve votes.

Whereupon the said William Meniffee was declared duly elected, and appointed first judge, and the said William D. Lacy second judge of the municipality of Colorado.

The House then proceeded to the election of a Comptroller of the Treasury, and Sutler to the army, and the ballots were as follows:

For Sutler, Wyatt Hanks, eleven votes.

Comptroller, David Ayers, two; H. C. Hudson, eight.

Whereupon Wyatt Hanks was declared duly elected Sutler to the army, and H. C. Hudson, Comptroller of the Treasury.

On motion of Mr. Royall, the House then went into the election of a collector of public dues in the department of Bexar; when James Kerr was duly elected to that office.

The secret session closed.

Mr. Clements introduced the following resolution: which was read and adopted.

Resolved, that his Excellency, the Governor be, and he is hereby requested to lay before this Council, a copy of all orders that he may have issued to the commander-in-chief of the army, or any other officer of the army, in accordance with the fourth article of the organic law, under the head of "military," and that he be furnished with a copy of this resolution immediately.

Mr. Clements presented the resignation of H. C. Hudson, as second judge of the municipality of Austin; which was accepted.

On motion of Mr. Clements, the House adjourned till Monday morning, nine o'clock.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 10th, 1836. }

Special call of the House.

The Council met, and the President read the following communication from the Governor to himself.

SUNDAY, January 10th, 1836.

*To His Excellency, J. W. Robinson, President of the Council.*

DEAR SIR—

I have recently received by express dispatches from Bexar, and other places, containing information of a character which should be immediately laid before the Council.

And being informed that you do not meet today, I must beg the favor of you to call a secret session of your body. I wish all the members of your body to be present, as immediate action will be necessary. You will please inform my Secretary at what hour you will meet, and I will send him with the dispatches. I will also make a communication to the House. You will please have read, the express correspondence first. You may perhaps consider my communication severe. I wish you however to permit it to be read; I assure you it is necessary. I wish you to distinctly understand that I well know your situation, and that nothing therein contained is aimed at, or intended for you. I hope you will favor me by a compliance, as I deem it all important.

I am respectfully,

Your obedient servant,

HENRY SMITH, Governor.

On motion of Mr. Hanks, a committee was appointed, composed of Messrs. Clements and Royall, to wait upon the Governor, and apprise him that the House will be ready at three o'clock this afternoon to receive his communication, &c.

On motion of Mr. Hanks, the House then adjourned until three o'clock P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment, and went into secret session. The secret session closed, and the House adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 11th, 1836. }  
 NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

The journal of yesterday's proceedings being read, and also that of the day previous.

Letters recommendatory of Lieutenant Francis Nevill, for a commission in the army, were presented by the President, read and ordered to be filed.

On motion of Mr. Barrett, Mr. Clark was received as an honorary member of the Council from Pecan Point, Red River, until he could produce the testimonials of his election, Mr. Clark being unwilling to take his seat on any other terms.

On motion of Mr. Royall, the House went into secret session for the dispatch of business.

Secret session closed.

On motion of Mr. Hanks, all acts of the House done in secret session in regard to the Governors late message, are released from the obligation of secrecy, whereupon the following is the disclosure of the acts of the House in secret session, in regard to the message aforesaid.

Proceedings of the House in secret session, January 10th 1836.

The House met and went into secret session for the dispatch of business.

The executive Secretary presented the following message from the Governor, and asked leave to read it himself, as enjoined upon him by the Governor, which was denied him, and by request of the House the executive Secretary retired, and the message and accompanying documents were read.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable the President and members of the General Council.*

GENTLEMEN:—

I herewith transmit to your body, the returns and correspondence of Colonel Neill, Lieutenant Colonel Commandant of the post at Bexar.

You will in that correspondence find the situation of that Garrison. You will find there a detail of facts, calculated to call forth the indignant feelings of every honest man. Can your body say that they have not been cognizant of and connived at this predatory expedition? Are you not daily holding conference and planning co-operation both by sea and land? Acts speak louder than words, they are now before me, authorizing a Generalissimo with plenary powers, to plan expeditions on the faith, the credit, and I may justly say, to the ruin of the country. You

urge me by resolutions to make appointments, fit out vessels, as government vessels, registering them as such, appointing landmen to command a naval expedition by making representations urgent in their nature, and for what? I see no reason but to carry into effect by the hurried and improvident acts of my department, the views of your favorite object by getting my sanction to an act discouraging in its nature, and ruinous in its effects. Instead of acting as becomes the counsellors and guardians of a free people; you resolve yourselves into low, intriguing, caucussing parties, pass resolutions without a quorum, predicated on false premises, and endeavor to ruin the country, by countenancing, aiding and abetting marauding parties, and if you could only deceive me enough, you would join with it a piratical co-operation. You have acted in bad faith, and seem determined by your acts to destroy the very institutions which you are pledged and sworn to support. I have been placed on the political watch tower, I feel the weight of responsibility devolving upon me, and confidently hope I will be able to prove a faithful sentinel. You have also been posted as sentinels, but you have permitted the enemy to pass your lines, and Mexican like, you are ready to sacrifice your country at the shrine of plunder. Mr. President, I speak collectively as you all form one whole, though at the same time I do not mean all. I know you have honest men there, and of sterling worth and integrity; but you have Judas in the camp—corruption, base corruption has crept into your councils, men, who if possible would deceive their God.

Notwithstanding their deep laid plans and intrigues, I have not been asleep; they have long been anticipated, forestalled and counteracted. They will find themselves circumvented on every tack. I am now tired of watching scoundrels abroad and scoundrels at home, and as such I am now prepared to drop the curtain. The appointment and instructions founded on the resolutions predicated on false premises, shall now be tested. I will immediately countermand the order made out in such haste, and as you say, and as her register says, the armed vessel *Invincible* is a Government vessel, I will immediately order a suitable officer of the Government to go and take charge of her in the name of the Government, and hold her subject to my order. And if that be refused, I will immediately recall her register by proclamation to the world. I would further suggest to you that our foreign agents have been commissioned and specially instructed to fill out our navy, and procure the proper officers and crews; and unless they can be certainly informed of the absolute purchase in time, to prevent their purchase of a similar one, the purchase, so made by you, shall never be ratified or become binding on this government; because you would do the Government serious injury by meddling with matters which you have put out of your power by special appointment. You shall not be permitted by collusion or management, to act in bad faith to the injury of the Government. If the appointment of general agents, with latitudinarian powers, with the power of substitution, and many other things equally inconsistent, and ridiculous; which have been engendered in, and emanated from your caucussing, intriguing body, recently, does not show a want of respect to my department, and a total neglect of the sacred oaths and pledges solemnly made by you, I must admit I am no judge. I wish you distinctly to understand, that the ground on which you stand is holy, and shall be guarded and protected with every assiduity on my part. Permit me

again to repeat it, Mr. President, that it is not intended to touch either yourself or the honest and well intending part of your Council.

Look around upon your flock, your discernment will easily detect the scoundrels. The complaint; contraction of the eyes; the gape of the mouth; the vacant stare; the hung head; the restless fidgety disposition; the sneaking sycophantic look; a natural meanness of countenance; an unguarded shrug of the shoulders; a sympathetic tickling and contraction of the muscles of the neck anticipating the rope; a restless uneasiness to adjourn, dreading to face the storm themselves have raised.

Let the honest and indignant part of your Council drive the wolves out of the fold; for by low intrigue and management they have been imposed upon, and duped into gross error and palpable absurdities. Some of them have been thrown out of folds equally sacred, and should be denied the society of civilized man.

They are paricides piercing their devoted country, already bleeding at every pore. But thanks be to my God, there is balm in Texas and a physician near. Our agents have gone abroad; our army has been organized. Our general is in the field. A convention has been called which will afford a sovereign remedy to the vile machinations of a caucussing, intriguing and corrupt Council. I now tell you that the course here pointed out, shall be rigidly and strictly pursued, and that unless your body will make the necessary acknowledgment to the world, of your error, and forthwith proceed, and with the same facility and publicity, (by issuing a circular,) and furnishing expresses to give circulation and publicity, in a manner calculated to counteract its baleful effects, that after twelve o'clock to-morrow all communications between the two departments shall cease; and your body will stand adjourned until the first of March next, unless from the emergencies of the country you should be convened by proclamation at an earlier period.

I consider as the devisers of ways and means, you have done all contemplated by the organic law. That your services are now no longer needed, until the convention meets; I will continue to discharge my duties as Commander-in-Chief of the army and navy, and see that the laws are executed.

The foregoing you will receive as a notice from my department, which will be rigidly carried into effect. You are further notified that audience will not be given to any member or special committee other than in writing. I will immediately proceed to publish all the correspondence had between the two departments by proclamation to the world, and assign the reasons why I have pursued this course, and the causes which have impelled me to do it.

I am gentlemen your ob't servant,

HENRY SMITH, Governor.

January 9, 1836.

On motion of Mr. Thompson, Messrs. Royall, McMullen, Clements, Thompson and West, were appointed a committee to examine and consider the late message of the Governor, and the papers accompanying the same, and report thereupon to-morrow.

And on motion of Mr. Barrett, the President is requested to wait upon the Governor this evening and confer with him upon the subject of the message and papers just received, and endeavor to avert from the coun-

try, if possible, the disorder and confusion likely to result from the course he is pursuing.

The secret session then closed.

January 11th, 1836.

The House went into secret session for the dispatch of business.

The committee appointed yesterday to examine and consider the Governor's late message, &c., presented a report and resolutions thereupon, which were read and unanimously adopted, as follows.

To the honorable the General Council of the provisional government of Texas.

Your special committee to whom was referred the communication of governor Smith,

Report—That they are unable to express any other views to this House, than indignation at language so repulsive to every moral feeling of an honorable man, and astonishment that this community could have been so miserably deceived in selecting for the high office of Governor, a man whose language and conduct prove his early habits of association to have been vulgar and depraved, and his present disposition, that of a tyrant. That they repel the infamous charges preferred against this Council and its members, as false and unfounded in every part; and condemn the style and language as low, blackguardly and vindictive, and every way unworthy of, and disgraceful to the office whence it emanated, and as an outrageous libel on the body to whom it is addressed, and therefore advise the return of the paper accompanied

with the following resolutions:  
 R. R. ROYALL, Chairman.  
 ALEX'R THOMPSON,  
 CLAIBORN WEST,  
 J. D. CLEMENTS,  
 JOHN McMULLEN.

January 11, 1836.

1st. Resolved, That the members of the General Council, are the immediate representatives of the Sovereign People; and are charged with the safety of the country and amenable only to the people for the faithful discharge of their duties.

2d. Resolved, That each member individually, and as a body collectively, will sustain at all hazards the dignity of this government, and the rights of the good citizens of Texas, whom they have the honor to represent.

3d. Resolved, That Henry Smith, Governor of the Provisional Government of Texas, be ordered forthwith to cease the functions of his office, and be held to answer to the General Council, upon certain charges and specifications preferred against him, agreeably to the provisions of the fourth section of the Federal Constitution of Mexico of 1824; and the eleventh section of the organic law of the Provisional Government of Texas, as adopted in convention on the thirteenth day of November, A. D. 1835, and that a copy of said charges and specifications, be furnished to the Governor, Henry Smith, within twenty-four hours from this time.

4th. Resolved, That the Secretary to the Executive be forthwith notified of these resolutions, and that he be held responsible to the General Council of the Provisional Government of Texas, for every and all records, documents and archives of his office.

5th. Resolved, That the Treasurer, Commanding-General, foreign agents, and all other officers of this Government be notified of the suspension of Henry Smith, of the powers and functions of Governor, by the Representatives of the people of Texas, in General Council assembled; and that they and every of them hold themselves respectively, subject to the orders and directions of the Lieutenant Governor, acting as Governor, and General Council aforesaid.

6th. Resolved, That a committee be appointed to draft an address to the people of Texas, setting forth the circumstances and reasons which compel their representatives in General Council to adopt these measures.

On motion of Mr. Hanks, Messrs. Jones and Tucker were appointed a committee to return to the Governor his message of yesterday, together with the report and resolutions thereon.

On motion of Mr. Barrett, the secret session closed, and the committee aforesaid proceeded to execute the objects of their appointment.

The House again went into secret session.

Mr. Tucker reported that the committee had returned the message and accompanying report and resolutions to the Governor, and leave was given them to retire and report in writing.

On motion of Mr. Barrett, ordered that a copy of the report and resolutions be forthwith published together with the message.

The committee to whom leave was given to retire and report in writing presented the following report which was read and adopted; and the secret session closed.

Your committee who was this day appointed by the General Council of the Provisional Government of Texas, to present to Henry Smith, Governor of said Government, a report and resolutions upon his message of the ninth instant; report as follows:

That the Governor, Henry Smith, stated, after reading said report and resolutions; "Well, you have adopted your course and I will pursue mine!" after which your committee left.

JAMES B. TUCKER,  
R. JONES.

San Felipe, January 11 1836.

On motion, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

The message of the Governor received yesterday, and the report of the committee and resolutions thereupon were publicly read.

On motion of Mr. Collard, the rule of the House was suspended, and they proceeded to elect a President pro tem. of the Council, with open doors, the chair being vacant in consequence of the Lieutenant Governor being required to act as Governor. Whereupon Mr. Royall nominated Mr. McMullen, who was unanimously elected President pro tem. of the Council, and as such was sworn and took the chair.

On motion of Mr. Barrett, the Lieutenant Governor, James W. Robinson, was sworn as acting Governor of Texas.

On motion of Mr. Clements, it was ordered, that the Secretary of the Executive, be notified that the Lieutenant Governor has been sworn into office as Governor, and that he be governed by his directions.

On motion of Mr. Jones, Messrs. Jones, Royall, Burnham, Tucker and Collard, were appointed a committee to draft an address to the people of Texas, setting forth the causes, &c., according to the report and resolutions upon the Governor's message and to act upon the articles of impeachment.

On motion of Mr. Royall, the House adjourned till to-morrow morning at nine o'clock.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 12, 1836. }  
 NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

The journal of yesterday's proceedings being read,

The committee to whom was referred the Governor's message of the ninth instant, made report thereon, together with resolutions and articles of impeachment against the Governor, and an address to the people of Texas, all of which were adopted unanimously and ordered to be printed.

#### TO THE PEOPLE OF TEXAS.

When, in the execution of delegated powers, the representatives of a Sovereign People are urged to the necessity of adopting harsh means, to protect the interests of their country, and save her from anarchy, it becomes their duty to their constituents to explain to them the circumstances under which they have acted, and the inefficacy of a milder course. Under these considerations, and a full sense of the high responsibility resting upon them, the representatives of the people of Texas, in General Council assembled, chosen and delegated to guard her rights and interests, in her present embarrassed and critical situation, are painfully compelled to disclose to their constituents and to the world, occurrences as unlooked for, as they are to be deplored and regretted. In a government like ours, formed for the present emergencies, hastily organized, and at a time when confusion and disorder prevailed throughout our oppressed land, it could not be expected that perfect harmony and concord would characterize all the acts of all its departments, or entire satisfaction could be given by all its legislations; but it was at least to have been hoped, and the hope was fondly cherished by the members of this Council, as well as by all patriots, that, by mutual compromises and a general spirit of concession, the present necessities of our beloved country could be answered. All immediate self-interest we endeavored to discard; all private ambition and individual jealousies to sacrifice on the altar of our country, and to unite in fraternal Council to promote and advance the general weal. That this department of the government has so far succeeded in their adherence to these principles, we appeal to our

public acts, and to all who have witnessed our deliberations. When complaints have been made to us, of our acts, we have endeavored calmly and considerately to revise our conduct, and correct, so far as we are able, all errors and inconsistencies. With the other department of the Provisional Government, we have endeavored to co-operate in the same spirit of concession, and allowance for all errors and misconceptions, and to avert the present lamentable state of affairs, has been our constant and unremitting care: but, unfortunately for the country, it was not to be prevented. From the very organization of the government we have witnessed with the deepest regret, and most painful apprehensions, the disposition of that department to abridge the powers of the General Council, which were designed as a check upon executive usurpation, and to assume to itself the provinces of both departments. The executive has from time to time, communicated his advice to the Council, which it has always received with that deference due to the office from which it came, and has maturely weighed and deliberated upon the same, but when the Council has adopted the measures recommended by him in his message, he has withheld or delayed his signature to their ordinances, or neglected to comply with their requisitions; and at other times he has transcended all authority, violating the organic law, framed and enacted by the people's own immediate representatives, in General Council assembled, and the republican principles of the constitution of Mexico of 1824, which he is solemnly sworn to support; and has imputed to the Council the evils resulting from his own acts. He has assumed the right of appointing and commissioning, and has so appointed and commissioned, private individuals to take the command of armies, without the consent or advice of the Council, and in direct violation and contradiction of the organic law of the convention, to which he owes his official existence.

After the reduction of Bexar, the volunteer troops being idle within our boundary, numbers daily coming in to our assistance from the United States of the North, and the country not affording the means of supporting them, it was thought advisable by the Council and the Governor so advised them, to keep the war without our territories, and to have the volunteers actively and profitably employed. For that purpose the Council authorized Colonel J. W. Fannin to enlist volunteers, hold an election of officers; and the army when raised and organized, to make a descent upon Matamoras, specifying the manner, and prescribing the limits of Colonel Fannin's actions as the agent of the Government for that special purpose; for which they received from the Governor the vilest and most uncouth anathema, couched in the most vulgarly abusive language, charging them with appointing a generalissimo with plenary powers, to conduct a plundering and marauding expedition, and wishing to join with it a piratical co-operation; while he himself without the advice, consent, or knowledge of the Council, and plainly and palpably in violation of the organic law, which he is unequivocally sworn to obey, had just given to James Bowie, not known to the government as an officer of any rank whatever, orders, through the Commander-in-Chief, to raise an army and proceed against Matamoras; thus endeavouring by misrepresentations and false charges against the Council, to excite public indignation against them, and divert if possible, their attention from his own lawless and headlong course, trampling law under his feet disregarding his official oath, and breaking up the foundations of Government.

He charges the Council with joining with the expedition against Matamoras, a piratical co-operation. By this he means the purchase of the schooner *Invincible*, by the appointing of Thomas F. McKinney, (whose patriotism he highly commends in his message to the Council,) to the command, for the purpose of attacking and taking, if practicable, the *Montezuma*, a Mexican vessel, now in Galveston, which has been cruising about our coasts, to annoy and capture vessels coming into our ports, and intercept the importation into Texas of men, munitions of war, and supplies for our armies. It was for the purpose of capturing if possible, this vessel, and for the further purpose of protecting our commerce and obstructing that of the enemy, that the Council authorized the purchase and equipment for service, of the schooner *Invincible*; a measure recommended by Governor Smith, in his communications to the Council.

All these acts of stubbornness and perverseness, were not sufficient to gratify his thirst for the sole dominion and arbitrary sway of the land. His dignity was insulted at the idea of the existence of the co-ordinate branch of the Government, to curb his acts and check his usurpation. He became more and more restless, until enraged at the presumption of the Council, in the exercise of a constitutional right, and in conformity with the true interests of the country, to pass an ordinance and decree by a constitutional majority, after it had been vetoed by "his Excellency," he ignites; his fury in a blaze, consumes his prudence, (what he had) he orders the Council to disperse, shuts the doors of communication between the two departments, and proclaims himself the Government!

Such is the purport of his last message, dated the ninth of January instant, accompanied with documents received by express from Bexar, containing an account of the deplorable situation in which the troops of that garrison were left by Dr. Grant, who headed an expedition from that place to Matamoras. The message he would make it appear, was induced by the arrival of these dispatches, as he directed them to be read first as an induction to his message, in which he falsely charges the Council with having connived at, and sanctions the expedition under Dr. Grant, which he alleges, is the cause of the distressed situation of the troops at Bexar. This Council repels the charges, as false and unfounded, and denies having ever recognized in Dr. Grant any authority whatever, as an officer of the Government or army at the time. The only authority Dr. Grant ever had in the army was derived from Governor Smith. By the bye, this gives us occasion to mention another of the Governor's acts of usurpation.

On or about the ninth day of December, 1835, he appoints and commissions, without the advice or consent of the Council, Edward Burleson, Commander-in-Chief of the volunteer army at Bexar. General Burleson appoints Dr. Grant, his aid-de camp, who was thereby entitled to rank as Colonel, and thus is derived his authority to act as he has done.

In this letter of the Governor to General Burleson, dated December 9th, 1835, full of invectives against Colonel Gonzales, and his men, and the Council for furnishing him an outfit to assist in the reduction of that place, (for all of which we only call his attention to his solemn declaration to the world, and appeal to Almighty God, made in the Convention.) he shows the principles which controlled his conduct, and the effect of his elevation to the high office he now occupies, has produced

upon him, and explains the reason of all the difficulties that have occurred between the two departments, as well, perhaps, as anything to which the attention of the people can be called. Thus he concludes his letter to General Burleson—"You will use the following address: To his Excellency, Henry Smith, Governor of Texas."

Take this and compare it with that impudential document, sent by him to disgrace the archives of your Council, his message, dated the ninth instant, it may serve to explain. Read the message of his Excellency; after accusing the Council of resolving themselves into "low intriguing caucussing parties," for the injury of the Government, and charging them with divers evils, which we have proved, resulted from his own acts, and exculpating the President of the Council, he proceeds."

"Look round upon your flock; your discernment will easily detect the scoundrels. The complaints, contraction of the eyes, the gape of the mouth, the vacant stare, the hung head, the restless fidgety disposition, the sneaking sycophantic look, a natural meanness of countenance, an unguarded shrug of the shoulders, a sympathetic tickling and contraction of the muscles of the neck, anticipating the rope, a restless uneasiness to adjourn, dreading to face the storm themselves have raised."

This is the language of the Governor in his official document in relation to the chosen delegates of a free people; but let us proceed with this singular production of his Excellency.

"I now tell you that the course here pointed out shall be rigidly and strictly pursued, and that unless your body will make the necessary acknowledgment to the world of your error, and forthwith proceed, and with the same facility and publicity, (by issuing a circular, and furnishing expresses,) to give circulation and publicity in a manner calculated to counteract its baleful effects, that after twelve o'clock to-morrow, all communication between the two departments shall cease, and your body will stand adjourned until the first of March next, unless, from the emergencies of the case, you shall be convened by proclamation, at an earlier period."

Again he concludes by saying, "you are further notified that audience will not be given to any member or special committee, other than in writing." This is the document sent to the representatives of the free and sovereign people of Texas, by his Excellency, Henry Smith, Governor.

We appeal to a civilized world, to know if its equal was ever issued from an officer of such dignity, as that of a Governor of a State. By what sort of delusion could he have been so blindly actuated, as to put forth a document so degrading to himself, so mortifying to his countrymen and disgraceful to the office he holds! Could his success in imposing himself upon the people as their Governor, encourage him to attempt the assumption of all the power, authority and dominion he now claims? Heaven forgive his delusion! And may he learn from this act, that a gallant people, engaged in a perilous contest for right, with a foreign foe, cannot be thus gulled and cheated of their liberties at home, under the immediate superintendence of their agents.

The Council met the occasion with all the calmness and deliberation they could muster. They endeavored to devise means to prevent this confusion in the departments of Government; for the credit of their country they sought to avert it. Personal feelings and consideration

were abandoned. But the time had arrived when all communication was to cease between the departments, unless they would surrender to him the entire government, perjure themselves, and publish their perjury to the world, and swear that they had betrayed the interests of their countrymen, in not yielding implicit obedience to the will of Governor Smith. What could the Council do? He had shut the door of his office; it was, in effect, vacant: He had denied the authority that created it; and as the guardians of the people's interests, they were compelled to proceed with the transaction of business, recognizing, according to law, the Lieutenant-Governor, as the acting Governor; elected a President of their body pro tem.; and as in duty bound, they have preferred charges of impeachment against Governor Smith, for the manifest injuries and difficulties he has endeavored to bring upon his country; that country which raised him to the high and responsible station of her Governor. Yes, the Council met the occasion firmly.

Base perjury would have stamped her seal upon their acts, if they had flinched. And while the armies are abroad in the defence of our beloved land, from the invasion of a foreign foe, they will ever guard and protect her from the insidious machinations of her internal foes, and will deserve the just condemnation and lasting reproach of their countrymen, if ever in danger, they desert their post.

JOHN McMULLEN, President,  
pro tem. of the General Council.

J. D. CLEMENTS,  
R. JONES,  
CLAIBORNE WEST,  
R. R. ROYALL,  
D. C. BARRETT,

WYATT HANKS,  
ALEXANDER THOMPSON,  
E. COLLARD,  
JESSE BURNHAM,  
JOHN MALONE.

Council Hall, San Felipe de Austin, Jan. 11, 1836.

*To Henry Smith, Esq., Governor of the Provisional Government of Texas:*

SIR—The following are the charge and specifications preferred against you in substance and form as contemplated by the fourth section of the organic law of the Provisional Government of Texas: The General Council advises you that you are at liberty to answer the following charges and specifications, before that body, or before the General Convention, at its session, to commence on the first day of March next: that upon application to the President of the Council, you will be furnished with the names of witnesses who will be called on to testify against you.

Charges and specifications against Henry Smith, as Provisional Governor, under the eleventh section of the organic law, for malfeasance and misconduct in his said office, as preferred by a committee appointed by the General Council for that purpose:

CHARGE 1st. For violating the republican principles of the Federal Constitution of Mexico of 1824, which as Provisional Governor, he has sworn to support.

2d. For neglecting to support the declaration of the Consultation of the chosen Delegates of all Texas, in General Convention assembled; and for endeavoring to prevent the General Council from carrying into effect,

especially the second article as adopted by the said Convention, November the seventh, 1835.

3d. For official perjury, in infringing and violating the organic law of the Provisional Government of Texas.

4th. For slanders and libels upon the General Council as a body, and upon the members thereof individually, and contempt of its powers and authority, and attempting to dissolve the Government, and assume dictatorial powers over the good citizens of Texas, and by inconsistency, misrepresentation, and other official misconduct, has produced confusion and aimed at general disorganization.

#### CHARGE FIRST.

For violating the Republican Principles, &c.

**SPECIFICATION 1st.** For assuming a high and dictatorial tone in his first message, addressed to the General Council, dated at San Felipe, November 16th, 1835, and in the first sentence of said message, the said Provisional Governor declared himself the Supreme Executive of the free and sovereign state of Texas, contrary to the Republican principles of the Federal Constitution of Mexico of 1824.

**SPEC. 2d.** That the said Henry Smith, Provisional Governor as aforesaid, did on or before the 17th day of December, ultimo, without the advice or consent of the General Council, direct the commanding General of the regular army of Texas, to issue orders to James Bowie, to arrange and conduct an expedition against Matamoras at the public expense, said Bowie not being an officer of the Government nor army, as proven by exhibit, number one, given as a part of this specification.

**SPEC. 3d.** For attempting to prorogue or dissolve the General Council, contrary to the 110th article, under the fourth section of the Federal Constitution of Mexico, and declaring his intention to assume all the functions and powers of the Provisional Government, and to control the destinies of the good people of Texas, by forcible dispersion of their Representatives in General Council assembled, as shewn by the general tenor of a communication made to said Council, dated the ninth day of January, instant, and by oral declarations to that effect.

#### CHARGE SECOND.

**SPECIFICATION 1st.** That the said Henry Smith, as Provisional Governor aforesaid, has neglected and refused to co-operate with the Mexican citizens opposed to centralism, and endeavored to prevent the General Council from sending support and assistance to members of the Mexican Republic, as especially extended in the second article of November seventh, 1835.

First—By throwing difficulties and obstacles in the way of Colonel Gonzales, and the party under his command, who late in the month of November, asked the support and assistance of the Provisional Government, which was extended to him by the General Council; the said Henry Smith, Provisional Governor as aforesaid, opposing the Council in the measure, and intriguing and managing with the citizens to render this act of the General Council obnoxious, and by writing to the officer in command of the Colonial troops, that he had no faith in him, (Colonel

Gonzales,) and directing the said commander to keep a strict eye on him, and if he should seem not to act in good faith, to arrest him and his men, disarm them, and hold them as prisoners of war, subject to his order; and

Second—For attempting to throw obstacles and difficulties in the way of General Mexia, to prevent him in uniting in the general cause against centralism, and endeavoring to thwart and prevent the General Council from performing their duty towards General Mexia and his men, as required of them by the second section of the declaration of the seventh November, 1835.

And lastly, by a general, clamorous, open and vindictive opposition to the Provisional Government, acting in any manner under the second section of the declaration aforesaid.

### CHARGE THIRD.

SPECIFICATION 1st. That the said Henry Smith, Provisional Governor as aforesaid, is guilty under this charge, by his conduct and declarations as set forth and stated in all the several specifications under the charges first and second.

SPEC. 2d. That the said Henry Smith, Provisional Governor as aforesaid, did, on or about the ninth day of December, 1835, commission Edward Burleson, a Brigadier-General of the volunteer army, without the knowledge, advice or consent of the General Council, and on the said ninth day of December, 1835, addressed a letter to the said Edward Burleson, declaring his assumption of powers, not vested in him by the organic law, all which will more fully appear by a copy of said letter given as a part of this specification.

SPEC. 3d. That the said Henry Smith, Provisional Governor as aforesaid, did on the evening of the tenth day of January, instant, state that he had been for the last two weeks constantly employed in counteracting the proceedings of the General Council, and that the dissolution of the Council would be right, and not productive of injury, which declaration, he also continues in his communication, read before the Council, on the same day.

SPEC. 4. That the said Henry Smith, Provisional Governor as aforesaid, without the advice, authority or consent of the General Council, did on or about the ninth day of December, ultimo, extend commissions to the following private individuals, viz: names in the possession of the Secretary of the Executive, and out of the power of the committee to obtain.

### CHARGE FOURTH.

SPECIFICATION 1st. That the said Henry Smith, Provisional Governor as aforesaid, has been guilty of a gross libel upon the Council as a body, in his communication dated January 9th, 1836, by charging the Council with resolving itself into low, intriguing, caucussing parties; passing resolutions without a quorum, predicated upon false premises; that he falsely and maliciously charges the Council with endeavoring to ruin the country, by countenancing, aiding and abetting marauding parties, and by attempting to join with it a piratical co-operation; by charging the Council with violating their official pledges and oath; by

charging them with a desire to sacrifice their country at the shrine of plunder; by charging the Council with corruption and deception; by using towards them foul and scurrilous language, and vile epithets, calling members scoundrels and parricides, and descending to low ridicule of natural infirmities of individual members, and for many other false, malicious and libellous charges against said Council contained in the aforesaid communication.

SPEC. 2d. That the said Henry Smith, Provisional Governor as aforesaid, in the same communication referred to in specification first, under charge fourth, has been guilty of grossly libelling individual members, in language degrading to his official station, and thereby endeavoring to bring individual members into ridicule and contempt.

SPEC. 3d. That the said Henry Smith, Provisional Governor as aforesaid, did, in the presence of one of the members of the General Council and other citizens present, utter and publish slander of individual members, and of the Council generally, originating in vindictive malice, caused by the Council's exercising their constitutional right of passing into ordinances, acts which he had given an executive veto, at the same time declaring his determination of introducing schisms into the Council.

SPEC. 4th. That the said Henry Smith, Provisional Governor as aforesaid, through the medium of spies and tale bearers, and by low intriguing management with such description of persons, seeks to procure information of the proceedings and opinions of the Council and of its members, endeavoring to pry into the sanctity of its secret sessions, which he himself recommends, and listens to false and malicious misrepresentations, such as are to be expected from the class of persons who would be employed for such vile purposes.

SPEC. 5th. That the said Henry Smith, Provisional Governor as aforesaid, shows his official inconsistency and mismanagement; First, by his communication of the —— day of January, when he commends the patriotism of McKinney and Williams, and after appointing the same Mr. McKinney to take charge of the Government vessel, he in a communication dated January the ninth, calls the same Mr. McKinney a deceiver and a land pirate. Second, he strongly recommended the Commanding-General to treat with the Cherokee Indians of the east, in a few days afterwards, orders him several hundred miles to the west; he recommended the purchase of the vessel of McKinney and Williams, which is now offered to the Government, when a member of the committee of safety of Columbia. and now endeavors to embarrass and defeat the execution of the same contract.

SPEC. 6th. That the said Henry Smith, Provisional Governor as aforesaid, manifested his contempt of the powers and authority of the General Council by appointing officers without the consent of the General Council, as set forth in specification second, third and fourth under charge the third.

SPEC. 7th. That the said Henry Smith, Provisional Governor as aforesaid, neglected and refused to instruct the commissioners treating with the Cherokee Indians, agreeably to the resolutions of the General Council. He usurped the rights of the Council in transcending his authority for giving instructions, especially to procure the proper officers for the navy. He exercises the Executive veto, to gratify private malice, and

without regard to reason, truth or consistency, with manifest disposition to exercise dictatorial powers over the representatives of the people. He has by his communication of the ninth of January instant, attempted to dissolve the Provisional Government of Texas, by endeavoring to alarm them with proclamations, interdicting communications between the Departments of Government, and declaring the General Council adjourned until the first of March next, unless the representatives of the Sovereign People would yield to humiliating concessions and conditions dictated by himself, and yield themselves the slaves of his will and pleasure.

R. JONES, Chairman.

R. R. ROYALL,  
JESSEE BURNHAM, } Committee.  
E. COLLARD, }

On motion of Mr. Royall,

Resolved, That the address to the people of Texas be signed by all the officers and members of the General Council.

The following communication was received from Henry Smith, which was read and referred to a committee consisting of Messrs. Clements and Royall.

EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable, the President, and Members of the Legislative Council:*

GENTLEMEN:—

The communication sent to your body on the tenth inst., in which I used much asperity of language, which I considered at the time was called for from me; owing to what I deemed improvident acts of your body, in which I considered much intrigue and duplicity had been used, which was in their nature and tendency calculated to breed confusion and greatly injure the public good. Among other things the appointment of Colonel Fannin, was one which I deemed unwarranted by law and of injurious tendency. If the act of your body was ratified by me, it is plain and evident, that neither the Commander-in-Chief, the Council, nor the Executive, could have any control over him. I therefore deemed it a gross insult offered by the Council to my Department, and one which I was not willing to overlook. I admit that I repelled it with a keenness and asperity of language beyond the rules of decorum; because I believed it was certainly intended as an insult direct. If therefore your body should think proper to acknowledge their error by an immediate correction of it, which I consider would only be their reasonable duty, all differences between the two Departments should cease; and so far as I am concerned be forever buried in oblivion. And that friendly and harmonious intercourse resumed which should ever exist between the different branches of the Government. I suggest and solicit this from the purest motives, believing the public good would thereby be advanced. Believing that the rules of Christian charity require of us to bear and forbear, and as far as possible to overlook the errors and foibles of each other. In this case I may not have exercised towards your body that degree of forbearance which was probably your due. If so, I have been laboring under error, and as such hope, you will have the magna-

nimity to extend it to me. And the two branches again harmonize to the promotion of the true interests of the country.

I am respectfully gentlemen,  
Yours &c.

HENRY SMITH, Governor.

On motion, the House adjourned till three o'clock P. M.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Royall from the committee to whom was referred the communication of Henry Smith received this morning, presented the following report, which was read and after some discussion adopted.

Your committee to whom was referred the communication of Henry Smith, late Governor of the Provisional Government of Texas:

Report the following resolutions for adoption;

Resolved, That this Council has received the communication in the spirit of compromise, at too late a period to be met by that spirit of accommodation offered and urged a short time since.

Resolved, That as the slanderous communication of Henry Smith, late Governor of Texas, has been acted upon and is now before the public, this Council cannot, in justice to their constituents and themselves, do otherwise than lay before the people all the facts connected with that unfortunate transaction, and the motive by which this Council was actuated, and the circumstances which compel them to adopt this course.

Resolved, That the communication alluded to be returned together with a copy of the charges and specifications preferred against the said Henry Smith, late Governor aforesaid, for malfeasance and misconduct in office, and that he be notified to reply within three days, or that the trial will proceed thereon, before the General Council ex parte.

J. D. CLEMENTS, Chairmna.  
R. R. ROYALL.

On motion the Council adjourned till to-morrow morning, at nine o'clock.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 13th, 1836. }  
NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

The journal of yesterday's proceedings were read.

H. C. Hudson appeared and filed his bond with approved security, and took the oath of office as Comptroller of the Treasury.

Mr. Claiborne West, a member of the Council from the municipality of Jefferson, offered his resignation to the House, which was accepted, and thereupon G. A. Patillo from the same municipality presented the testimonials of his election, took the oath of office, and his seat as a member of the Council from the same Municipality.

On motion of R. R. Royall, it is ordered that the resolutions of this House, appointing Col. J. W. Fannin the agent of Governmnet, for rais-

ing and concentrating volunteers, and holding an election for officers to make a descent upon Matamoras, be forwarded to the printer for publication, with the address to the people adopted yesterday.

On motion of Mr. Hanks, a committee was appointed, consisting of Messrs. Hanks, Clements and Jones, to wait upon Governor Robinson, to inform him that the House was in session and ready to receive any communication from him; who returned in a few minutes and reported that they had waited on the Governor, and that he returned his thanks to the House for their polite attention, and would be ready to communicate to them this afternoon.

On motion of Mr. Barrett, the draft heretofore drawn in favor of a special committee appointed to procure paper for the use of the House, and was afterwards ordered to lie on the table, was taken up and placed at the disposal of the same committee.

Mr. Thompson from the committee on finance, made the following report: which was read and adopted, the resolution accompanying the same, were ordered to lie on the table.

*To the Honorable President and members of the General Council:*

Your committee to whom was referred the communication of Mr. J. W. Moody, Auditor of public accounts, have had the same under consideration, and beg leave to report, that they accept the apology offered by the Auditor for not making his report, as is required of him by the duties of his office. And also, that they believe it necessary and expedient that a sufficient sum be allowed him to purchase paper for the purpose of making books of record, buying ink, quills, and other things necessary for his office, for which purpose they would recommend the following resolution:

Resolved, That the Auditor be authorized to draw upon the Treasurer for the sum of twenty-five dollars, out of the contingent fund to purchase said article.

ALEX. THOMPSON, Chairman.

Mr. Collard presented the petition of William Burnett, together with his discharge from the service of the volunteer army accompanying the same, which, on motion of Mr. Barrett, were referred to a special committee consisting of Messrs. Collard and Thompson.

Mr. Collard presented the communication of F. W. Johnson, which was read, and on motion of Mr. Hanks, was referred to the committee on the state and judiciary.

Mr. Barrett presented the petition of J. H. Forsythe, which was read, and on motion of Mr. Barrett, ordered, that the auditor of public accounts, draw on the treasurer in favor of J. H. Forsythe for twenty-five dollars, to be charged and deducted from what may be due him for his services as captain in the legion of cavalry.

Mr. Jones introduced a resolution making it the order of this evening, to elect a second judge for the municipality of Austin, which was adopted.

Mr. Hanks presented the following resolution which was read and adopted:

Resolved, that C. B. Stewart, secretary of the Executive, be directed to hold no further communication, officially, with Henry Smith, late Governor, but that he hold all the records, papers, and archives of the Executive office, subject to his Excellency J. W. Robinson, Lieutenant

Governor and now acting Governor of Texas; and that the aforesaid secretary communicate officially with the said acting Governor, henceforth, until further orders from the Government.

On motion of Mr. Hanks, it was ordered that a copy of said resolution be furnished the said Executive secretary.

On motion of Mr. Clements, it was ordered that a copy of the laws in relation to the collection of public dues on land be furnished to the collectors thereof.

Mr. Clements presented the petition of G. Borden, requesting instructions in regard to his office as collector of dues on land, which was read, and on his motion referred to the committee on the state and judiciary.

And on motion of Mr. Tucker, Mr. Clements was added to said committee for this special purpose.

On motion of Mr. Hanks, the following resolution was read and adopted, and it was also ordered that the printers be required to publish said resolution.

Resolved, that all public printers of the Provisional Government be notified not to print or publish any more documents of any description upon the credit of said Government after the eleventh instant, coming in any way from Henry Smith, the late Governor, as no account for such printing will be acknowledged by the General Council, and that James W. Robinson, now the acting Governor, will be the executive medium of communication.

On motion of Mr. Collard, the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Malone introduced an ordinance and decree changing the name of the municipality of Refugio and for other purposes, which was read and the rule of the House suspended, and read a second time, when the rule was further suspended, and the ordinance read a third time, and the question being taken on its final passage it was decided in the affirmative, and it is ordered that the said ordinance and decree do pass, and the title thereof be as aforesaid.

The Executive secretary presented the following communication from Governor Henry Smith, which was read and referred to a special committee consisting of Messrs. Barrett, Royall and Hanks.

#### EXECUTIVE DEPARTMENT OF TEXAS.

*To the Honorable President and members of the Council.*

GENTLEMEN:—

On the ninth instant I notified your body that as the devisors of ways and means, I considered you had performed all the duties incumbent on you, contemplated by the organic law, and as such, I consider the country would be relieved from a heavy tax by your adjournment until the first of March. And if in the interim any emergency should render it necessary, that you could immediately be called by proclamation. On the tenth I received notice that I was removed from office. Not by death, inability or other casualty, but for exercising too much capacity; and that by virtue of authority vested in your body; that you had installed a new Governor; and had created a new organization. After formally

breaking me you have been good enough to summon me to a formal trial, leaving the alternative with myself to choose the tribunal before whom I would be tried, whether before your own body, before whom I had already been condemned, or before my peers in convention. Reason, it would seem, would direct the latter alternative. I at all times hold myself answerable and amenable as a public officer to my peers, and to none other. I acknowledge the receipt of the charges and specifications preferred against me by your body, and feel able and willing in convention to plead to them. Reserving to myself in the mean time the privilege of taking all legal exceptions. I demand of your president as a right, the names of all the members present on the ninth instant, with the proper certificate, commencing with the first of the present month, and up to the present date inclusive. And all the members now present are notified, to appear at the town of Washington, as witnesses, on the first day of March next, for by your own acts and the proof of your own body, I hope to be able to exculpate myself before a liberal and unbiassed body from all the charges preferred against me. It would appear that some jurisdictions are not represented, others have two and some long since precluded by law seem to hold on, and form a part of your body. I think it would be well to examine these things, as circumstances may render its investigation necessary.

I would give your body this friendly advice, that notwithstanding you are the representatives of the people, they have given you the limit, over which they will not permit you to pass, and any thing done by your body calculated to bring about disorganization, or not warranted by the organic law, will be viewed and considered as an outrage for which you will be held amenable.

What I have done, however bad you may view it, has been done for the best of reasons, and from the purest motives. I care not for popularity, and seek alone the public good. And if the course I have pursued, so condemned by you, should bring down the odium and contempt of the whole community, and at the same time be the means of saving the character, the credit, and finally redeem the country, I say to you, in the sincerity of truth, that it is a sacrifice I willingly make at the shrine of the public good.

HENRY SMITH, Governor.

Mr. Hanks reported that he had notified the Executive Secretary, according to the resolutions passed this morning.

Mr. Thompson, from the select committee to whom was referred the petition of Wm. Burnett, made the following report, which with the accompanying resolution were read and adopted, viz.:

*To the Honorable, the President, and Council:*

Your special committee of two appointed to consider the case and petition of William Burnett, a returning soldier from Bexar, beg leave to report as follows:

That he be allowed for his services,	. . . . .	\$34 32
Expenses, doctor's fees while sick,	. . . . .	18 75
“ at this place and return home,	. . . . .	5 00
		<hr/>
		\$58 07

and recommend that the last mentioned sum of five dollars be drawn by order on the treasurer out of the fund for sick soldiers.

ALEXANDER THOMPSON, }  
E. COLLARD, } Committee.

January 13th, 1836.

Be it resolved by the General Council, &c., that the auditor issue his draft in favor of William Burnett, for fifty-three dollars and seven cents for his services in the army, and pay for doctor's fees, &c.

Also one other draft in favor of said Burnett for five dollars, to be paid out of the fund for sick soldiers.

The orders of the day were called up.

Mr. Tucker's resolutions in regard to the wagon, team and harness pressed and taken by James Grant from John Gilbert was taken, and Mr. Hanks offered a substitute, and on motion of Mr. Hanks, both were ordered to lie on the table until to-morrow.

On motion of Mr. Barrett, the orders of the day were suspended.

Mr. Barrett presented a report and resolutions from the committee to whom was referred the communications of F. W. Johnson, which Mr. Royall moved to reject.

And thereupon the ayes and noes being called for, the vote was as follows: Ayes — Messrs. Burnham, Clements, Patillo, Royall, Malone, Thompson—6. And thereupon no further action was had.

On motion of Mr. Royall, the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 14th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

On motion of Mr. Barrett, ordered that the journal of the House from the tenth to the thirteenth instant, inclusive, be furnished the printer for publication.

On motion of Mr. Barrett, the thanks of this House were returned to Judge West, for the prompt, efficient and firm manner in which he has discharged his duty as a member of this Council.

Mr. Barrett presented a letter from Samuel Williams dated January 2d, 1836, which was read and referred to the committee on military affairs.

On motion of Mr. Thompson, the vote of the House on the report and resolutions of the committee to whom was referred the letter of Colonel F. W. Johnson, was reconsidered, and the said report and resolutions as amended were presented by Mr. Thompson, which on motion of Mr. Hanks, were adopted in the following form:

*To the Honorable the General Council of the Provisional Government of Texas:*

Your committee to whom was referred the letter of Col. F. W. Johnson, of the seventh of January, report: That the statement of Col. John-

son, connected with the recent disclosure to this House, of executive acts heretofore kept from their knowledge, places the expedition got up for a descent upon Matamoras by the volunteers at Bexar, in a point of view, widely different from that which was first presented to them, with the knowledge of facts then acted upon. The strong objections of the Governor to the movement of the volunteers, as represented in Col. Johnson's first communication to this Council, induced the apprehension that all was not right. But upon a further knowledge of facts, it appears that the measure as adopted by Col. Johnson, arose from an apparent legal authority from the Provisional Government, and which this Council, will not, at this time disclaim, as they would have a right to do.

Edward Burleson being commissioned by the Governor, without the knowledge of the General Council, General and commander-in-chief of the volunteer army before Bexar, as such had the right of appointing his staff with the rank of colonels. This situation and rank were conferred upon, F. W. Johnson and James Grant, as appears by evidence known to your committee. On leaving Bexar, General Burleson left Col. Johnson in command, he also having succeeded to the command in Bexar, on the death of Colonel Milam, during the storming of that place. An expedition against Matamoras was called for, by sound policy, the voice of the people, and the opinion of most members of the General Council. The commanding general, Burleson, was advised to pursue that measure by members of the General Council; and on the command devolving upon Colonel Johnson, his situation required him to act, upon the orders he had received, directed to General Burleson. The call was made for volunteers for the expedition, and a plan of operation concerted. Col. Johnson, like a true patriot, presented the whole to the Governor, and laid the same before the General Council and although some misconception of rights, had arisen among the volunteers, from the want of a proper knowledge of the existing laws upon the army organization, yet no material obstacles would have arisen to stop or embarrass the expedition, as planned, had the preceding facts been earlier disclosed, and other difficulties had not been thrown in the way by designing men.

Your committee cannot advise a departure from the laws adopted by the Government regulating the volunteer service. General rules must be respected. But no consequences can possibly arise affecting the rights of volunteers as contemplated by the seventh section of an ordinance and decree, creating and organizing an auxiliary corps for Texas, which would not follow the plan proposed by Col. Johnson. These volunteers are willing to go out under the authority of the Government, but incline to prescribe the manner; which cannot be admitted without violating existing laws. This, reason, sound policy, and good faith to other volunteers forbid. And yet the difference is quite immaterial in effect; for in either case the volunteers are, or may be under the direct orders of the Governor and Council, equally at the election of themselves through their officers.

Your committee therefore advise that Colonel Johnson have the approbation of this Government to conduct the volunteers who have entered upon the expedition to Matamoras, as the officers of the Government, arising from the commission of the Governor to General Burleson,

and the succession to the command of Bexar under his orders; and that he proceed to unite with J. W. Fannin, the government agent, appointed by resolutions of this House, duly passed and adopted. And that when said volunteers are all concentrated as directed by the resolutions appointing J. W. Fannin, agent, &c., a commander of the whole body be elected under the existing laws. Before which juncture, Col. Johnson should be authorized to hold an election by the volunteers from Bexar, of all the requisite officers, and have the same properly certified and reported to the General Council. And also that an election in the same manner be had, by J. W. Fannin, of the other volunteers, when assembled and in like manner reported. And that all the candidates so certified, as elected, shall be forthwith commissioned agreeably to law. And that as soon as the election is over, the proper reports for operation be made, and every action and movement made, with the same powers and authority as if commissions were extended, with the pledge of this government to sustain said volunteers, in all acts which they could legally do, if their commissions were perfected.

Whereupon the following resolution is offered to the consideration, of the House with the view of carrying the objects of the foregoing report into effect.

Resolved, that the foregoing report be adopted by this House, as the rule of action prescribed as there set forth, and that a copy thereof, duly certified, be delivered to Colonel F. W. Johnson, and another so certified, sent to Col. J. W. Fannin, and that the enforcement of its objects, will be required, in manner and form as therein expressed, in the same manner as if the same were reduced to and passed as a decree of the Provisional Government.

Resolved, that nothing contained in the foregoing report and resolution shall be so taken, as to interfere with the agency granted to J. W. Fannin by the Provisional Government heretofore.

Mr. Barrett, chairman of the committee on state and judiciary, made the following report on C. B. Stewart's communication; which was read and adopted.

An ordinance and decree, confirming the appointment of C. B. Stewart, as Secretary of the Executive, and for other purposes.

Whereas, doubts have arisen as to the regularity of the appointment of C. B. Stewart, as Secretary of the Executive, Recorder, &c., under and by virtue of an ordinance and decree of the Provisional Government, passed, November 24th, 1835, entitled "an ordinance and decree for appointing a Treasurer, &c.," and whereas the legality of his notarial acts, as such Secretary, are also doubted; to guard against all possibility of uncertainty in the premises.

Section 1st. Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, that the appointment of Charles B. Stewart as Secretary of the Executive and Recorder, &c., made by the General Council, on the nineteenth day of November, 1835, be and the same is hereby confirmed, and all the acts of the said C. B. Stewart, as such Secretary and Recorder, made in conformity with the law under which he has acted, are hereby declared to be legal, and forever confirmed, to all intents and purposes, as if there had existed no doubts, as to the regularity of his said appointment.

Sec. 2d. Be it further ordained and decreed, and it is hereby ordained and decreed by the authority aforesaid, that the notarial acts and administration of oaths, done by the aforesaid Secretary and Recorder, connected with the duties and business of his said office be, and the same are hereby declared legal and valid in law, in as full and ample manner, and to have the same effect, as if these powers had been especially defined before his said appointment, by the law creating the said office. And also, that the Secretary of the Executive, shall forever hereafter, have full power and authority to do and execute all notarial acts, and administer oaths in all cases growing out of, or necessarily connected with, the duties of the said office.

Sec. 3. Be it further ordained and decreed, that the Governor, Lieutenant Governor, President of the General Council, Secretary of the Council, and all Judge Advocates of the army be, and they are hereby vested with full power and authority to administer oaths in all matters connected with the duties of their respective offices.

The President presented a letter from C. B. Stewart, Executive Secretary; which was read and referred to the committee on state and judiciary.

Also, a letter from M. Caldwell; which was read and referred to the committee on military affairs.

Mr. Hanks, from the committee on military affairs, to whom was referred the communications of M. Caldwell, of the 9th December, 1835, presented the following report; which was adopted.

Your committee, to whom was referred the report of M. Caldwell, beg leave to state to the House, that in the opinion of your committee no action can be had upon it for the following reasons:

Mr. Caldwell is not known to this House as a contractor, and if he has been appointed sub-contractor, it is his duty to settle with the individual who appointed him, and let that individual present his report; that is, the contractor who appointed him.

Your committee beg leave hence to be discharged from the further consideration of the report.

Mr. Clements, from the committee on Indian affairs, to whom was referred the letter of D. B. Friar, obtained leave to have the same transferred to the committee on military affairs.

Mr. Cullen, presented and read a message from James W. Robinson, the acting Governor, together with divers letters and documents accompanying the same, all of which were referred to the several standing committees of the House.

And on motion of Mr. Clements, ordered that a copy of the message be sent to the public printer for publication.

*To the Honorable, the President and Members of the General Council:*

GENTLEMEN—

In obedience to the resolution of your honorable body, unanimously adopted on the tenth instant, declaring the office of Governor vacant, and requiring me to enter upon the discharge of the duties of the same, according to the provisions of the second article of the organic law, creating a Provisional Government for Texas. I obey the painful and unexpected call of your honorable body, and enter upon the discharge of

my official duties, with a firm reliance upon divine Providence, and your wisdom and experience to direct and assist me in the performance of that highly important trust; and I cherish the devout hope, that your labors to improve, save, and serve the country, may be crowned with success.

In doing so, permit me to assure you, that no consideration but the safety and happiness of the country, could induce me to accept the office of Governor, at this time, and under the peculiar and delicate relations existing between the General Council and myself, and the Ex-Governor of Texas, Henry Smith, Esq., with the latter of whom, the utmost good feeling has uniformly prevailed; and had the honor of presiding over your deliberations by virtue of my appointment of Lieutenant Governor, by the General Convention of the chosen delegates of all Texas; and having received the personal kindness of the members of your honorable body, I was unwilling to separate from you, or change the relation that already existed between us: but circumstances beyond my power to control, or within your authority to prevent, have imposed the deplorable necessity upon me, of accepting the responsible station to which, as the immediate representatives of the people, you have called me. I neither seek nor avoid responsibility; it is the duty of every citizen to obey the call of his country, and upon that principle, it becomes my duty to bow in submission.

The assumption of power, claimed by the Ex-Governor, in his message of the tenth instant, is of a most extraordinary character, dangerous in its tendency, calculated to wither the laurels of the hero, blight with a fatal mildew the fondest hopes of the patriot, and crush forever the heroic efforts of the freeman of Texas, now grappling in deadly conflict, with the military usurper of Mexico, and are such as I confidently hope will meet the just indignation of an enlightened community; for in times like these, every direct and bold attack and invasion of the rights of the people, ought to be promptly repelled. Let it not with truth be said, that after having bearded the lion in his den, and driven him from it in confusion and dismay, that we tamely suffer the wolf, in sheep's clothing, to enter the fold and destroy the flock.

The encroachments of executive power and patronage, upon the rights and privileges of the co-ordinate branches of the Government in Europe and America, have formed the ground of complaint on the part of the revolutionists in most, if not all cases, and in the incipient stage of our Government, we ought to stop the inroad of this hydra monster of political wickedness, before it has time or opportunity to establish itself by precedent and immemorial usage, and thereby silently undermine the temple of freedom dedicated to the people, before the workmen have completed the edifice. But you are told in the message, that it is the duty of the Executive; nay, imperious necessity compels him. The Tyrant's plea!

So said Alexander, when he hypocritically declared himself the protector of the liberties of Greece. So said Caesar, when he blotted out forever the splendid sun of Roman freedom. So said the Emperor Napoleon, when he wore, without a blush the diadem of the Caesars, cemented with the blood of nations, and nailed the christian religion to the cross of the Roman Pontiff, without remorse. And even now, at this moment, Santa Anna declares, that for the preservation of the Mexican nation, and for the happiness of its citizens, he from necessity,

will condescend to play dictator, and save eight millions of freemen the trouble of governing themselves. And against this principle, now promulgated in the message, in its naked deformity, our brethren are in arms; against this principle, the gallant heroes of San Antonio, fought and bled, and the brave and lamented Milam fell! And your army is now concentrating on the Western frontier, to roll back the bloody tide of war, upon the common enemy; and can we, I would ask, silently permit the lawless exercise of power at home, when we have pledged our lives, our fortunes, and our sacred honor, to repel it from abroad?

The power of the Executive to dissolve or adjourn the General Council at pleasure, without their consent, or to refuse to correspond with them, is no where given, if it exists, it must be clearly and expressly defined, and not left to implication or construction. Fortunately, this very important question, which has so direct a bearing on the very existence of the General Council, as a deliberative body, is susceptible of the most certain and unquestionable solution. Under our system, all who exercise power, are bound to shew, when questioned, by what authority it is exercised. I deny the right of the Executive to question the proceedings of the General Council, utterly deny it, and challenge the advocate and supporter of the doctrine to exhibit his authority; to point out the article, the section, and the clause, of the constitution of Mexico of 1824, or, the organic law which contains it; to show in a word the express grant of the power. None other can fulfil the requirements of our constitution and laws.

I hold it an important and interesting truth, as an undeniable axiom, and not heretofore sufficiently understood, that the Governor has no right to exercise any implied or constructive power; he is the creature of the constitution and the organic law, and derives all his authority from that source; and whatever power is not expressly granted, is reserved to the people.

The assumption of power contained in the message to dissolve the Council, without, and contrary to their express will, and questioning their proceedings, and their motives as corrupt, together with the opprobrious epithets, freely applied to the members, is, in my opinion, an outrage upon the feelings of the members, and a dangerous invasion of the independence, the privileges, the rights and powers of the General Council, unacknowledged by our laws, which the Executive is solemnly sworn to obey himself, and see the same executed. The Executive, I may add, no department, can exercise any power, without express grant from the constitution, or by authority of law.

An enduring monument of praise is the proud reward to the wisdom that devised the plan, and no less to the patriotic statesman who carries into successful execution. By it, ours is made, emphatically a constitutional legal government, instead of a government moulded by the policy or whim of those who are commissioned to enforce and execute its powers. By it, our Government, instead of consisting of independent, separate, conflicting and hostile departments, has all its parts and powers united harmoniously in one, without the apprehension of collision, and without destroying the individual and independent existence of the parts.

After the most mature reflection that I have been able to give the subject, it is my settled conviction, that your honorable body ought to

remain in session until the meeting of the new Convention, agreeably to the provisions of the 16th article of the organic law, which provides, that "the Governor and Council shall continue to exist as a Provisional Government, until the re-assembling of the Consultation, or until other delegates are elected by the people, and another government is established." And it is very questionable whether the Governor has any separate existence, independent of the existence of the General Council.— And the present situation of our country requires that every citizen should be at his post and perform his duty. I know you have made many sacrifices by remaining here; but though you have done much and performed it well, still your work is not yet finished: and the most extraordinary course adopted by my predecessor, renders it necessary that your labors should be prolonged, beyond what would have been required, had he harmoniously continued to perform his duty as Governor. And if your circumstances require a return to your several homes sooner than the first day of March next; you might call the members of the new Convention to convene on the fifteenth day of February, and the first day of the same month or sooner, you might adjourn your body to meet when and where the members of the next Convention meet. In fact I would be glad to see the new Convention convene at as early a day as practicable. For the means of communicating the acts and proceedings of your body to the people generally, has been so limited and uncertain, that I have no doubt that it is the principal cause of what dissatisfaction that has prevailed. But I think the policy doubtful, if not dangerous to the public interest; upon this, as in all your former deliberations, let the good of Texas be your polar star, by which you will shape your course, and you will have the approbation of an approving conscience, and the blessings of a free and grateful people.

The defenceless situation of our oppressed country calls for your prompt attention and speedy relief. Surrounded on one side by hordes of merciless savages, brandishing the tomahawk and scalping knife, recently red with human gore; and on the other, the less merciful glittering spear and ruthless sword of the descendents of Cortes, and his modern Goths and Vandals, make it in my opinion your paramount duty as a Council, to remain permanently in session until the Convention meets, as there is no other authority to provide for the speedy organization of the ranging corps, and particularly for the security and protection of the inhabitants of the frontier of Red River, where no force is yet stationed or raised. And I would respectfully recommend to your consideration the propriety of raising and officering the detachments of rangers from the inhabitants of the frontier where they are designed to range; that it would operate to increase the activity and vigilance of the corps and promote their harmony, I entertain little doubt.

The regular army is not yet recruited and filled up, and the enemy is preparing a large force to demonstrate upon us early in the spring; and should another attempt be made to invade Texas which we may have every reason to believe, will be done, we may expect a much more formidable enemy in point of numbers at least, than we have yet had to contend against. The organization of an efficient army in the field, and the means necessary for their support and comfort will, I am persuaded, continue to occupy your time until so desirable an object is fully accomplished. I recommend to your consideration the propriety of reducing

the number of field and company officers in the regiment of artillery; the excess of officers in their corps, over the usual number, is a ground of complaint, and the objection, as far as my knowledge extends, is well founded. In the present embarrassed state of the treasury, rigid economy, and strict accountability is absolutely necessary, to secure a government for the people unfettered by an overwhelming national debt. I would call your attention to the situation of the public lands, and the embarrassments to the bona fide settler consequent upon the closing of the land officers by the General Convention. It is believed, that the reason which induced that honorable body to close them by the provisions of the fourteenth article of the organic law, no longer exists and that the re-opening of the same would be of great public utility. I would therefore suggest the expediency of providing by law for the disposition of public lands, to actual settlers now in Texas, or who may emigrate here and settle on their locations in accordance with the provisions of the organic law, and laws of colonization. And those citizens whose titles are not fully forfeited, should be authorized to receive them under such rules and regulations, as you in your wisdom may think proper. But at the same time, I would doubt the expediency of permitting any locations of large claims to, or grants of the public domain, until the meeting of the convention, when the members will come clothed with plenary powers from the sovereign people. And until the land offices can be thoroughly systematized by the competent authority hereafter to be appointed; when the policy that is to govern the country in the disposition of the public lands, can be adopted by that honorable body.

I would recommend to your attention, the propriety of opening and organizing the courts of justice, on the basis of the common law of England, as being not only the best system of jurisprudence extant, but as being more extensively known, and better adapted to the wants and customs of the citizens; and as a system, it has withstood the attack of tyranny in Europe and America, and finally triumphed. The citizens of Texas are a constitutional and law-abiding people, they look there for safety and protection in the last resort, as regards questions among themselves; and next to doing justice, in importance, is, that it should be speedily administered; for it is an important fact that a delay of justice, in many cases, is tantamount to a denial of justice; and the organization of the judiciary is a measure necessary to secure peace and good order in society, and to protect and secure the property and persons of our fellow citizens generally.

I would ask your attention to the propriety and necessity of passing an ordinance and decree, regulating marriages, divorces, and alimony. And also one in relation to ferries and bridges, on military and post roads, so as to insure the regular transportation of the mail, and facilitate the movements of the troops in time of war, as well as ammunition and supplies for the army.

The defence and protection of the seaboard from the attacks of the enemy's armed vessels, will I am persuaded receive your earliest and most deliberate attention; the flourishing towns upon the coast of the Gulf of Mexico are greatly exposed to the enemy, and as a temporary protection, until an effectual safeguard can be provided for their security, I would invite your attention to the propriety of erecting one or more batteries at each port and town, upon the sea coast, and I would also

advise the survey of the several ports of Texas, with a view to make the intercourse with our country more secure, and it is confidently believed that the rate of insurance would be thereby greatly diminished.

A measure intimately connected with the commerce and prosperity of the country, is the duty on imposts and tonnage. The rate of duty as now established by law, is in my opinion too high, in the present situation of the country. I would therefore very respectfully recommend, in lieu of fifteen and twenty-five per cent. ad valorem duty, that ten and twenty per cent be levied and collected under the rules and regulations as now prescribed by law. It is the interest of our country, to invite capital and emigrants, by affording every facility in our power consistent with the other important interests of our country.

As a necessary and important measure that stands intimately connected with the defence of the country, and one to which I invite your attention, is the creation and due organization of a corps of marines, and as you have purchased two vessels for the public service, and shortly expect two more, to be purchased by your agents abroad, it would be very desirable to have that corps organized, and ready for service with as little delay as possible. I herewith transmit to your honorable body sundry letters recommendatory of lieutenant Francis Nevill, late of the United States marines, and from my knowledge of the gentleman recommending lieutenant Nevill, I would respectfully recommend him for a captain in said corps.

Permit me to invite your kind attention to the organization of that part of Texas laying on or near Red River, into one or more municipality or municipalities, and provide suitable municipal officers, for the due administration of justice, and that they be allowed their due representation, in proportion to the number of inhabitants, in your Council, and in the next convention, and that you invite the freemen of Red River to join you in putting down military rule in our country. And the speedy establishment of a mail route from the town of Nacogdoches to Pecan point, Jonesborough, and such other places, near Red River, as you may deem necessary, is respectfully recommended, as the only sure and speedy means of communicating with that interesting part of the country, and I would ask your instructions and directions to the post-master general on this subject. As connected with the interests of the people of Red River, a letter from the Hon. John Forbes, is herewith communicated, and the sentiments therein contained, respectfully recommended to your consideration.

I herewith transmit a letter of recommendation from Major Arthur Henrie in favor of lieutenant Henry Teal and Jacob Snively, and giving notice of the non-acceptance of Mr. James Carter of his appointment of captain in the regular army, all of which is respectfully submitted.

The condition of our fellow-citizens at San Antonio who were wounded at the storming of that fortress, and that of the garrison and town at that place, will claim your earliest attention. I am informed that many of the brave men at that post, are without the necessary means to promote their recovery from wounds received in your defence, and the troops stationed there are represented to be in want of the necessary supplies, and many of the unfortunate inhabitants reduced, by the war, from opulence and ease, to penury and want; humanity and sound policy alike dictate the adoption of such measures, as their misfortunes and sufferings require, and your philanthropy will generously extend, and the only relief I ap-

prehend necessary, will be a fair and equitable remuneration for losses sustained by the campaign against San Antonio.

The widows and orphans of the heroic men who have fallen in battle in the defence of the rights and liberties of the people of Texas, or died in the service, expect you to extend a kind and parental hand for their relief.

To generously reward those who nobly fall, fighting for constitutional liberty, by wiping the tear of sorrow from the cheek of the bereaved widow and the unprotected orphan, made so in our defence, is among your imperative duties, and will receive, I am persuaded, your willing care and prompt attention.

Allow me to submit to your consideration, the necessity of providing by law, for the protection of the vested rights and privileges of our fellow-citizens, who are settled, or who have claims to lands within, or near the settlement of the Cherokee and other tribes of Indians. And I would also recommend the immediate appointment of a commissioner to treat with the said Indians, to act in the place of General Sam Houston, who is on the march of the western frontier, and cannot now meet and co-operate with the other commissioners already appointed. I deem this an important and necessary measure, tending to the protection and security of the frontier settlements, by securing the friendship of the Indians, and at the same time doing justice to our own citizens, whose rights ought to be preserved inviolate.

On the rigorous prosecution of the war against the Centralists of Mexico, with General Santa Anna for their leader, depends the safety and happiness, the liberty, nay, the very existence of the Anglo-American population in Texas; and their friends who have, and are co-operating with them. Allow me to urge the immediate reduction of the town of Matamoras, and its dependencies, together with all places on or near Rio Grande, that would give the country immediate facilities, that will greatly accelerate our future operations, and put it in our power, either to carry the horrors of war into the enemy's country, or conclude a peace both honorable and advantageous to ourselves; for be assured the terms must be dictated to the enemy by the triumph of our arms. And I indulge the hope that every measure calculated to promote so desirable an object will meet with your prompt and cordial attention.

Permit me to congratulate you and the country on the union and harmony of your councils, that have so happily prevailed throughout your deliberations; and it is confidently hoped that the same devotion to the best interests of the country may continue to animate and guide you to the termination of your arduous labors, union of councils, and a vigorous co-operation of all parts of the country, with the able and timely aid from our friends in the United States, have already driven the proud and vain-glorious oppressor beyond our border, and given an earnest of what may be expected if he has the temerity, to profane, with his unhallowed footsteps, the soil of freemen, the pathway that he shall be compelled to take in his flight, will be crimsoned by the best blood of his nation, and his funeral pile will serve as a beacon light, for future generations, to beware, how they invade the rights and privileges of the countrymen of Washington, who like the strong man armed, they will lay hold of the pillars of the state, and only fall, with the destruction of the temple of freedom. That the supreme Ruler of the destiny of nations, may guide

you by his wisdom in your deliberations, and that a form of government, such as the people shall choose freely, and with a speedy and honorable peace, may be the happy result of your councils, is the sincere desire of your fellow-citizen.

JAMES W. ROBINSON.

San Felipe de Austin, January 14, 1836.

On motion of Mr. Barrett, ordered that the above message be printed in handbill form, and that two hundred copies be printed.

Mr. Hanks presented the following resolution, which was read, and on motion of Mr. Barrett, adopted, viz.:

Resolved, that the late Governor, Henry Smith, be requested to send the President of the General Council, all public correspondence, and all other public documents now in his hands, or which may hereafter come into his hands, for the disposition of this House.

On motion of Mr. Hanks, it is ordered that the journals of the House be printed, from the ninth to the fourteenth instant, both days inclusive.

Mr. Royall presented the account of P. B. Dexter, which was allowed.

On motion of Mr. Jones it was ordered that the comptroller be furnished with a copy of all laws in relation to his office.

On motion the House adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President presented a communication, directed to the President and members of the General Council, from J. W. Moody, auditor of public accounts, containing accounts of J. O. Blair, James Small, and John M. White, referred to the consideration of the House, which were read, and ordered to lie on the table.

Mr. Barrett of the committee to whom was referred the communication from the Executive Secretary, made the following report which was read, and together with the accompanying resolutions was adopted, viz.:

*To the Honorable, the General Council of the Provisional Government:*

Your committee on the state and judiciary, to whom was referred the communication of C. B. Stewart, secretary of the Executive and recorder of the General Council, report,

That an unutterable feeling of regret has sunk deep in the minds of your committee, in view of the present relations of this House and the late head of the Executive department of the Government. But, inasmuch as reasons satisfactory to the General Council, have induced them to suspend the functions of the late Governor Smith, any refusal on the part of any officer of the Government to recognize their acts, or to obey its legal orders, consequent upon the measures adopted, must be regarded as contumelious and in contempt of the representatives of the sovereign people, in general council assembled, and the usual course pursued, as regards such persons, as the precedents of other governments, framed upon republican principles, will point out and justify.

Therefore, be it resolved by the General Council of the Provisional Government of Texas, that Charles B. Stewart, Secretary of the Executive, and recorder for the General Council, for his refusal to comply with the resolutions and orders of said council, as disclosed in his communica-

tion to that body, of the date of the fourteenth instant, be, and he is hereby declared to be contumelious and in contempt of the General Council aforesaid, and that notice be served on said Chas. B. Stewart, to be and appear before the said General Council at twelve o'clock to-morrow, the fifteenth instant, to show cause why he has so done, and wherefore he should not be punished, for his said contumely and contempt, at the pleasure of this house.

On motion of Mr. Royall, the account of James Small was taken up and allowed.

On motion of Mr. Barrett, the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 15, 1836. }  
 NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

The journal of yesterday's proceedings being read,

The President presented a communication from J. C. Neill, Lieut. Colonel commandant at Bexar, enclosing a list of the men in that Garrison which was read and on motion of Mr. Royall, was referred to the committee on military affairs.

On motion of Mr. Royall, the communication from Bexar accompanying the Governor's message of yesterday, were ordered to be transferred from the committee on military affairs, together with whatever observations may have been made upon them.

The President presented a communication from the auditor of public accounts, enclosing some accounts, about which some difficulty had arisen with him and the comptroller, on their admissibility, which were referred to the committee on the state and judiciary.

Mr. Clements, of the committee to whom was referred the communication of G. Borden, requesting information in regard to the duties of collectors of public dues on lands, reported progress and asked leave to sit again, which was granted.

On motion of Mr. Tucker, the resolutions in regard to the property pressed and taken from John Gilbert by James Grant together with Mr. Hank's substitute therefor, were taken up, and on motion of Mr. Hanks, the substitute was adopted as follows:

Resolved, that the purchase of one wagon, four horses and harness for the same, by Dr. James Grant of John Gilbert for the use and benefit of the volunteer army, viz.: for hauling baggage, arms and ammunition for said volunteers in their expedition against Matamoras, as authorized and contemplated by the General Council, be and the same is hereby made the property of the Provisional Government of Texas, to be used and subject to the order of the agents and proper officers of said Government for the purpose for which it was purchased by the said Grant, as set forth in said Gilbert's account; and that the said James Grant be and he is hereby held accountable to said government for the price, viz.: six hundred and seventy dollars, for said wagon, horses and harness, if the same should not be

used for the purpose of taking the baggage, arms and ammunition of said volunteers as aforesaid; and for said wagon, horses and harness to be delivered to the agents or officers aforesaid, and the receipt of the same by said agents or officers, to be forwarded to the Governor and Council of said Government.

On motion of Mr. Royall, all action of the House in regard to the Executive Secretary, is postponed until three o'clock this evening.

On motion the House adjourned until three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Thompson from the special committee appointed to procure stationery for the use of the House made the following report which was adopted:

*To the General Council of Texas:*

The special committee of two appointed to procure paper, &c., for the use of the House, and the auditor beg leave to report,

That they have discharged that trust, and return herewith bills of said articles, considered by them necessary, bought of Jones and Townsend, and they have drawn on the treasurer and received and paid out for said articles, fifty dollars as the receipt on the bills of said articles will show.

ALEX'R THOMPSON,  
R. JONES.

January 15, 1836.

The Executive Secretary appeared in compliance with the notice served on him yesterday, and gave his reasons to the House for disobeying the order requiring him to communicate officially with Governor J. W. Robinson, the acting Governor, &c.

On motion of Mr. Collard, it is ordered, that the Executive Secretary be required to give his answer in writing forthwith, to this House, whereupon notice of this order, signed by the President and secretary was immediately sent to C. B. Stewart, Executive secretary as aforesaid.

On motion of Mr. Barrett the accounts enclosed by the auditor on yesterday were taken up, and on motion of Mr. Barrett, John M. White's account was rejected, and J. O. Blair's allowed. And it was thereupon ordered, that the auditor be authorized to dispose of the gun and three horses alluded to in his communications of yesterday.

Mr. Clements, to whom was referred the letter of G. Borden, reported an ordinance and decree, supplemental to an ordinance and decree creating a collector and defining his duties, which was read, and,

On motion of Mr. Royall, the rule of the House was suspended, and said ordinance and decree read a second time, and,

On motion of Mr. Hanks, the rule was further suspended, and the ordinance and decree ordered to be read a third time which being done, the question was taken upon its final passage and decided in the affirmative, whereupon it is ordered that the said ordinance and decree do pass and the title thereof be as aforesaid.

On motion of Mr. Royall, the House adjourned till seven o'clock this evening.

SEVEN O'CLOCK, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Royall, the House adjourned till nine o'clock tomorrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 16th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The journal of yesterday's proceedings being read,

Mr. Barrett, chairman of the committee on state and judiciary, to whom was referred the report of the auditor, made the following report; which was read and adopted:

*To the Honorable the General Council of the Provisional Government of Texas:*

Your committee on state and judiciary, to whom was referred the report of the auditor, with certain accounts, report,

That the course adopted by the auditor, for drawing upon the Treasurer in favor of assignees, or those having the equitable interest in claims upon the Government, by legal transfer of the original owner, made in writing is correct, provided, his entry on the book of records be so kept as to show the name of the original claimant, and the use expressed, together with the name of the assignee or person to whom claims are so transferred, in such manner as to guard against frauds.—The evidence required by law for proving such claims, should be as in other cases.

The account of H. H. Cone and L. H. Mabbitt appear upon the face to be correct, but your committee are not in possession of any facts which otherwise call for the equitable interposition of the powers of this House; which your committee advise should never be extended, except in cases when manifest injury will arise to persons having strong equitable circumstances in their favor, and can clearly show, that the legal proof for establishing their rights, is not within their control.

Your committee therefore return the two accounts to this Council, and ask to be discharged from the further consideration thereof.

D. C. BARRETT, Chairman.

Council Hall, January 15th, 1836.

Mr. Barrett, from the same committee, to whom was referred the petition of John J. Linn, made the following report; which was read and adopted:

*To the Honorable the General Council of the Provisional Government:*

Your committee on state and judiciary, to whom was referred the petition of John J. Linn, report,

That upon considering the request of the petitioner, they are of opinion that the practice of granting the right of reprisals upon land, in favor of citizens against the enemy, is dangerous, and might lead to acts of great injustice and oppression, especially in case of civil war; and however in-

clined to extend all proper aid to the petitioner for the protection of his property, in the enemy's country. Your committee cannot advise this Council to place the administration of justice into the hands of an individual in his own case.—Should it hereafter appear, that Mr. Linn, or any other person, has suffered loss by the enemy, under such circumstances as justice would require the community to sustain, by making amends, your committee are of opinion, that it should be done directly from the public Treasury, rather than by the plan proposed by the petitioner, in the present application.

D. C. BARRETT, Chairman.

Council Hall, January 15th, 1836.

Mr. Barrett, from the same committee, to whom was referred so much of the message of the acting Governor, as relates to the opening of the Land Offices, and other communications on the same subject, made report, accompanied by an ordinance and decree for extending and perfecting titles to settlers; which was read and laid on the table.

Mr. Royall presented a resolution for allowing ninety-seven dollars on the claim of H. H. Cone, and directing the accounting officer, to draw on Thomas F. McKinney for the same; which was adopted.

The account of Leonard H. Mabbitt, referred to the House by the auditor, was taken up and fifty dollars allowed.

Mr. Barrett, from the committee on the state and judiciary, as chairman, to whom was referred a resolution to inquire into the expediency of opening the courts of justice, &c., made the following report; which was read and adopted:

Said report was accompanied with an ordinance; which was read the first time, and laid on the table.

*To the Honorable, the General Council of the Provisional Government of Texas:*

Your committee on state and judiciary, to whom was referred the resolution and that part of the Governor's message, as relates to the opening the several courts of justice, report,

That the reasons for suspending civil proceedings, as contemplated in the sixth article of the organic law, has ceased to exist, and that the proper administration of justice in the several courts is indispensable in all well regulated communities, under such restrictions as the situation and relations of the country may demand.

They, therefore, &c.

Mr. Clements, from the committee appointed to procure and send an express to Gonzales, made the following report; which was read and adopted:

The committee who was appointed to procure an express to go to Gonzales, report,

That the same has been done, and that the individual employed to take said express, has returned. And your committee further suggest that the individual so employed, should be allowed and paid to him out of the contingent fund, whatever he may be entitled to for his trouble and expenses.

An account accompanied said report, allowing the express rider fifteen dollars for his trouble and expense; which was approved.

Mr. Hanks, from the committee on military affairs, to whom was referred certain communications from Lieutenant Colonel J. C. Neill, commandant at Bexar, made the following report; which together with the accompany resolutions, was read and adopted:

*To the Honorable, the General Council:*

Your committee having examined and duly considered the communications and reports from Lieut. Colonel J. C. Neill, commandant at Bexar, respectfully report for your consideration, the following resolutions:

Whereas the troops garrisoned at Bexar, being without the necessary provisions and clothing for their support and comfort, and the probability of its being some time yet before the necessary supplies from our agents in the United States, for the subsistence, support and use of the army, will be received, and it being absolutely necessary to make immediate provision for the sustenance and support of those troops at Bexar, and it being impossible to drive beeves and procure provisions for their use, without horses: Therefore,

Be it resolved by the General Council of the Provisional Government of Texas, that Lieut. Colonel Neill, commandant at Bexar be, and he is hereby authorized and empowered to employ as many Mexicans or other citizens for the purpose of driving up beeves and procuring provisions for the troops under his command, as may be required for their support, and that this Government shall respect the drafts of said commandant for the pay of said men in his employ, as aforesaid: Provided, that the said commandant cannot offer them any more money for their services, as enlisted soldiers or volunteer troops, than the existing laws prescribe.

Be it further resolved, &c., that the sum of twenty dollars per month, to the Mexicans employed by the commandant at Bexar, for the purpose of getting beeves and other provisions for the support of the troops under his command be, and is hereby acknowledged by this Government, and that the said commandant be, and is hereby authorized and empowered to draw for the pay of said Mexican citizens for their services as aforesaid.

Be it further resolved, &c., that John W. Smith be, and is hereby authorized and empowered to collect the sum of one thousand dollars for the public dues, or any money to that amount belonging to this Government, in the department of Bexar, and to give the same to the commandant at that place, the same to be used for the support of the troops under his command, taking sufficient vouchers for the same, and report the same to this Government; and also to the Collector of public dues for that department.

Be it further resolved, &c., that an express be immediately procured to take these resolutions to the commandant at Bexar, and that his Excellency, James W. Robinson, acting Governor of Texas, be required to communicate with the commandant at said post and forward these resolutions to said commandant.

Mr. Clements, from the committee on land and Indian affairs, to whom was referred the communications from Lieut. Col. Neill, recommending a treaty with the Comanche Indians, reported progress, and had leave to sit again.

The following message was received from the acting Governor, transmitting sundry communications from individuals; which were read and referred to the committee on military affairs:

*To the Honorable the President and members of the General Council:*

GENTLEMEN:—

I have on this day approved and signed,

“An ordinance and decree creating a new municipality to be called Colorado, and for organizing the same.”

“A resolution allowing Doctor H. H. Cone ninety-five dollars.”

I herewith transmit for your information a letter from L. De Zavala Esq., to Captain Dimitt, of the commandancy of of the fortress of Go-liad, in relation to an expedition against the town of Matamoras.

A copy of the certificate of James H. Bowman is also communicated, detailing facts in relation to Doctor Grant and Captain Burke of the volunteer army; all of which is very respectfully submitted to your consideration.

I remain with sentiments of high consideration,

Your obedient servant,

JAMES W. ROBINSON.

January 16th, 1836.

Mr. Hanks, from a select committee, to whom was referred a petition for certain papers in the Land Office, made the following report; which was read and laid on the table:

Your committee, who was appointed to inquire into the propriety of opening the land offices, so far as to give to the actual settlers, the citizens and those who emigrated to Texas, under the colonization laws, and who have never received the land to which they were entitled as emigrants, settlers or citizens, report as follows:

Whereas, many of our fellow-citizens having been compelled to leave their home and their business, for the purpose of defending their rights, and protecting the country against an invading foe, and believing it all important, (as it really was,) to direct the public attention, and to concentrate all the strength of the country to that single point, to wit, Bexar, for the purpose of dividing from Texas her most deadly enemies, those who were determined to oppress and destroy us, and (to use their own language,) to make Texas a howling wilderness, and believing, that, by stopping all land operations, for the present, would conduce in a great degree to bring about an object so desirable, I advocated and supported every measure and act of the House, which had for its object, the closing of the Land Offices. Believing, too, that those in the service of their country, should have at least as good an opportunity of improving their fortune, and bettering their condition in life, as those remaining at home, I thought it nothing but justice, on all sides, to close for a time, all business connected with the Land Offices. Besides, I was induced to believe from communications which I received, that fraud would be practised and injustice done, by surveying and granting titles to locations of land, to which those absent were entitled.

But the cause and reason why I was desirous of stopping all landed operations, having ceased, to as great an extent, as can be expected during the unsettled state of our affairs and condition, which may continue for years. And believing it to be essential to the great and permanent interests of Texas, to re-open and renew the Land Offices, and landed operations throughout the country.

I therefore earnestly recommend to the General Council of the Provisional Government of Texas, the adoption of such measures as will tend to that end as speedily as possible.

My reasons are these,—

First.—The citizens who were at Bexar, have generally returned home.

Second.—It will harmonize the feelings and unite the people of the country.

Third.—It will increase our population.

Fourth.—It will increase our wealth.

Fifth.—By permitting the emigrants who come into Texas, to receive their lands as prescribed by the colonization laws, under the constitution of 1824, will prove to the world that we are not endeavoring to rob Mexico of her lands, as has been represented to be our object.

Sixth.—We have declared in favor of the constitution of 1824, and the colonization law, under that constitution, guarantees and secures to every emigrant his head right to land as there set forth. These reasons are sufficient to convince, I trust, every impartial and unprejudiced person of the propriety and necessity of opening the Land Offices.

If we wish to get men to assist in protecting Texas, we should give them such interest in the country, as to induce them to become citizens, and they will be ready and willing, at any and all times, to defend and protect their property, their homes and their fire sides. It is also of the utmost importance to throw open every door and avenue, by which capital and property of every description will flow into the country.

We should spare no pains to increase the population and wealth of our country, in order that the burthen and expenses of the war may be divided and made lighter, and render those in the country who have generously contributed their aid, more able to bear it.

Many other reasons might be offered equally as good in support of the measure recommended in this report. Every individual must see and feel the necessity of strengthening ourselves in every respect, and way, and that as soon as practicable.

Mr. Royall presented the following resolution; which was read and laid on the table:

Be it further resolved that Austin Brian call upon Doctor Peebles, commissioner appointed by the Convention to take possession of the land papers, and that the said commissioner be required to furnish him such copies of papers as his petition contemplated.

The President submitted the following communication from C. B. Stewart, Executive Secretary, in reply to the charge of contempt, and tendering his resignation; which was read, viz:

*To the President and members of the Legislative Council of Texas:*

GENTLEMEN—

Your commands requiring me to answer to the charges of contumely and contempt for your honorable body in non-obedience of certain resolutions, I will endeavor to comply with.

The construction which I have and am compelled to place upon the 16th article of the organic law, admits no room for me to consider the existence of any other Provisional Government, than that created by the superior power of the Convention; which consisting of a Governor and

Council, constituting a Provisional Government, were to exist until a re-Convention or the establishment of another Government.

Your honorable body, and his Excellency, Henry Smith, thus created, it is my duty to regard, the one as the proper legislative body, the other, as the only Executive power. In my own capacity, created by the General Council, claimed by the Executive, and executing the duties of an officer of the General Council, it would be difficult to determine by whom I should be controlled, did not the nomination and appointment as Secretary to the Executive Department, and the duties defined in the law creating a Treasurer, Secretary, &c., defining their duties, clearly place me subject to the Executive Head, its immediate control. In reason and truth, I have not much to allege to absolve myself of the charges above referred to of contempt of the "Representatives in Council of the sovereign people;" and if possible to prevent the recurrence of them by such course as your honorable body may think best; and by granting me permission to tender my resignation.

I have the honor to be,

With all respect, your obedient servant,

C. B. STEWART.

January 15th, 1836.

The Council having deliberated upon the above communication, the question was put by the President, "has the aforesaid Charles B. Stewart, Esq., as Secretary to the Executive, cleared and purged himself of the said contempt of this House, wherewith he stands charged;" when the House unanimously responded in the negative.

On motion, the following question was then put:

"Is the aforesaid Charles B. Stewart, guilty of contempt and contumely of the Representatives of the people of Texas, in General Council assembled?"

Whereupon the ayes and nays were called, and there were in the affirmative, Messrs. Burnham, Jones, Clements, Hanks, Barrett, Royall, Malone, McMullen, Tucker, Thompson, Collard and Patillo.

So the question was carried in the affirmative by unanimous vote.

The question was then put by the President of the Council.

"What shall be the penalty affixed and adjudged upon the said Charles B. Stewart, for his aforesaid contempt?"

When, on motion, the sum of two thousand five hundred dollars fine, was submitted to the consideration of the Council; which, after some discussion, the ayes and nays being called for, stood as follows:

AYES.—Messrs. Burnham, Jones, Clements, Hanks, Barrett, Royall, Malone, Thompson.—8.

NAYS.—Messrs. Collard, Tucker, McMullen, Patillo.—4.

So the question was decided in the affirmative, and the fine of two thousand five hundred dollars agreed to.

Whereupon the following judgment of the Council, on motion of Mr. Barrett, was unanimously adopted and entered, and a copy thereof directed to be made out and served upon the said Charles B. Stewart.

"Ordered by the General Council that C. B. Stewart, Secretary to the Executive, be suspended from Office, and that he be fined in the sum of two thousand five hundred dollars, for his contempt of this Council,

in not obeying its order, requiring him to communicate officially with James W. Robinson, acting Governor of Texas, and to hold all official documents, records and correspondence, subject to the order of this House, to be remitted, however, if the said C. B. Stewart, Secretary as aforesaid, shall at or before nine o'clock on Monday next, comply with the orders he has heretofore received from this Council, in regard to his said office, and his official communications."

A copy of the foregoing was served upon Mr. Stewart the same day.

Certain letters and charges were presented against Judge Mason of Brazoria; which were read and referred to the committee on state and judiciary.

The President submitted a communication from A. Briscoe; which was read and referred to the committee of finance.

On motion of Mr. Barrett, Mr. Jones was added to the committee of finance.

The President also submitted a letter from T. J. Rusk; which was read and referred to the committee on military affairs.

The following message was received from the acting Governor, which was read and referred to the committee on the state and judiciary.

*To the Honorable the President and Members of the General Council:*

GENTLEMEN—

I beg leave respectfully to ask your attention to the importance and necessity of having a Secretary to the Executive, as it is difficult, if not impossible, to discharge the functions of that important department, without an efficient person to fill the situation, and allow me to ask, as a particular favor, the appointment of E. M. Pease Esq., as eminently qualified to perform the duties of the office. But this, as all other appointments, being exclusively within your province to make, I will cheerfully acquiesce in any selection you, in your better judgment, may deem best calculated to promote the public welfare.

Letters and communications daily arrive in this place, through the post office, by express and by private conveyance, directed to "Henry Smith, Governor of Texas."

I would ask your honorable body to direct me, as my legal advisers, whether being so officially directed, I ought to open them as the only legal Executive. I am without the means of knowing what instructions have been given to our foreign agents or Indian commissioners, or orders to the commanding General, or any officer either civil or military, neither do I know what laws are and what are not published, and as the order of your honorable body makes it my imperative duty to cause them to be published in the Telegraph and Register of San Felipe de Austin, and in the Texian and Emigrant's Guide in Nacogdoches, it will be difficult for me to perform my duty in relation thereto, unless I am put in possession of the public archives, now in the possession of my predecessor, and by him pertinaciously withheld through the instrumentality of his late Secretary.

With sentiments, &c.,

JAMES W. ROBINSON.

On motion, the Council adjourned to three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

The President submitted a letter recommending Francis Desaugue for a situation in the Navy; which was read and ordered to be placed on file.

Mr. Thompson introduced the following resolution; which was read and adopted:

Resolved by the General Council of Texas, that the Sheriff of each municipality be, and is hereby required, and it is made his duty to take charge of all public property belonging to the State, such as horses, oxen, &c., in his municipality; and such as are in a wasting or losing condition, he shall sell out at public auction, giving a reasonable notice thereof; and all monies collected by such sales shall be by him paid over to the collector of public accounts: Also, to make a true and correct return to every court, stating the amount of money in his hands, what he may have paid over, and what property still remains in his charge. And that he be allowed for his services, ten per cent. on all monies so paid over by him."

Mr. Jones informed the Council that another member from the municipality which he represents was in town, and asked leave of absence for himself; which was granted on condition that he should bring in his substitute.

On motion of Mr. Barrett, the House took up the ordinance and decree for opening and regulating the Courts of Texas.

On motion of Mr. Collard, the rule was suspended, and the ordinance and decree read a second time by sections.

Several amendments were presented and adopted; when the rule of the House was further suspended, and the ordinance and decree read a third time; when the question was taken on its final passage, and decided in the affirmative.

Whereupon it is ordered that the said ordinance and decree do pass, and that the title thereof be as aforesaid.

On motion of Mr. Royall, it was resolved that the acting Governor, be furnished with a list of all the municipalities, designating those unrepresented, and that he require the attendance of one of the members of the late Consultation, from such municipalities, to serve as a member of this Council.

On motion of Mr. Royall, the House went into secret session for the election of certain officers.

When the doors were opened and the proceedings ordered to be spread upon the journal, as follows:

The House proceeded to ballot for second Judge for the municipality of Austin.

When Joseph Baker was unanimously elected second judge for the municipality of Austin.

The House then proceeded to ballot for secretary pro tem. to the Executive.

When Edward B. Wood was unanimously elected secretary pro tem. to the Executive.

On motion the Council adjourned till to-morrow morning nine o'clock.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 17th, 1836. }  
 NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

The journal of yesterday's proceedings were read.

Edward B. Wood, secretary pro tem. to the Executive, appeared and was sworn into office.

Mr. Clements, from the committee on land and Indian affairs, to whom was referred Lieut. Colonel Neill's letter recommending a treaty with the Comanche Indians, made the following report accompanied by the annexed resolutions. They were read and the report adopted, and the resolutions passed, as follows, viz.:

*To the Honorable, the President and General Council of the Provisional Government of Texas:*

Your committee on land and Indian affairs, to whom was referred Lieut. Colonel J. C. Neill's letter of the eighth inst. recommending the necessity and importance of immediately appointing commissioners to treat with the Comanche Indians, respectfully report,

That they have had the same under consideration, and your committee are opinion, that commissioners should be appointed, forthwith, for that purpose. To secure the friendship of the Comanche Indians, we deem it of the utmost importance to the interest and safety of our citizens; and more especially to those residing on the frontier. In accordance with these views, your committee recommend the adoption of the following resolutions:

Resolved, by the General Council of the Provisional Government of Texas, that five commissioners be appointed to make and enter into a treaty of amity and commerce, on the part of this government with the Comanche Indians. Provided; nevertheless, said treaty when so made and entered into, shall be subject to the examination of the Government of Texas, either to be ratified or rejected by this Government or that which may succeed it.

Be it further resolved, &c. that said commissioners be and are hereby required to repair immediately to the city of Bexar, for the purpose of meeting and treating with the said Indians on the most favorable terms, in order to secure their friendship and at the same time not sacrifice the interests of Texas, or curtail the rights and privileges of her citizens.

Be it further resolved, &c. that the sum of five hundred dollars be and is hereby appropriated for the expenses of said treaty, and to carry the same into effect; and that John W. Smith or the collector of public dues for the department of Bexar, or either of them, be and is hereby authorized and fully empowered to collect the aforesaid sum of five hundred dollars from any person or persons indebted to this Government, or from any person or persons having in their charge or possession any money or monies belonging, in any manner to this Government, to deliver and pay over said sum of money, when so collected to the commissioners contemplated by these resolutions, taking duplicate receipts from said commissioners for the same, one to be retained by himself, and the other to be forwarded to the treasurer of Texas, and also to report the same to the acting Governor and Council.

Be it further resolved, &c., that the acting Governor of Texas, James W. Robinson, be and is hereby required and instructed to commission or otherwise appoint the commissioners, who are to carry into effect the treaty contemplated by these resolutions, upon receiving a report of their election by the General Council; and to give said commissioners such instructions as he may deem expedient, in order to effect the object set forth in the foregoing resolutions, and provided the same shall not be incompatible with the objects herein set forth; and that his Excellency, the Governor, be further required to notify said commissioners of their appointment and order them to proceed directly to the city of Bexar to make and enter into said treaty as herein prescribed and set forth.

Be it further resolved, &c., that a certified copy of the foregoing report and resolutions be furnished the Governor, immediately upon their passage, to be forwarded to said commissioners by the Secretary of the General Council.

JOHN D. CLEMENTS,  
Chairman of the Committee on Indian Affairs.  
E. W. CULLEN,  
Secretary to Military and Indian Committees.

On motion of Mr. Clements, the House proceeded to the election of five commissioners to hold said treaty, contemplated in the above resolutions, when Edward Burleson, J. C. Neill, John W. Smith, Francisco Ruiz and Byrd Lockhart were duly elected.

Mr. Barrett presented the following resolution, which was read and adopted.

Resolved, that a committee of five be appointed in event of there not being a quorum of the members of the general Council present to provide expresses for the acting Governor, James W. Robinson, to send for absent members of the General Council and to aid and council the Executive aforesaid in giving advice and instructions to the foreign agents of this Government, to assist in making and carrying into effect the Indian treaties, and to aid, advise and assist in all other matters connected with the Executive Department, in which the General Council would be required to aid, instruct, advise and assist in any manner or form whatever, wherein the General Council should act co-operatively with the Executive,

And on motion, Messrs. Barrett, Clements, Thompson, Patillo and Collard were appointed that committee.

Mr. Barrett also presented the following resolution for a finance committee, which was read and adopted:

Resolved, that a committee of finance shall be appointed to consist of three, when there is not a quorum of members of the General Council present who shall be and are hereby authorized to pass and allow accounts or claims against the Government, under the same rules and restrictions the General Council has heretofore done; and they shall be and are hereby vested with the same equitable power that now rests in the General Council, and shall have the power to draw for contingent expenses and to do all other acts as fully and completely connected with the object of their appointment, as the General Council has heretofore

done; and the president of the Council shall be, ex-officio a member of said committee.

Mr. Barrett also presented the following resolution which was read and adopted, viz.:

Resolved, that in case there be no quorum, the acting Governor of Texas be and is hereby clothed with full and ample power, by and with the advice of the advising committee, to enforce and carry into effect all ordinances, laws and resolutions passed, adopted or enacted by the General Council of the Provisional Government and all other laws of Texas.

And also to appoint and commission any officer or officers that may be necessary to fill any vacancy that has or may occur, and in the same time provided, nevertheless, said appointment so made by the Executive shall be at an end and no longer an officer on the assembling of a quorum of the General Council, unless the said appointment shall be ratified and confirmed by the General Council upon so assembling.

Mr. Barrett presented an ordinance and decree creating the office of marshal of Texas, and defining his duties which was read the first time, when the rule was dispensed with and the ordinance read a second and third times, when the question was taken on its final passage and decided in the affirmative. It was ordered thereupon that the said ordinance and decree do pass.

Mr. Hanks presented the following resolutions, which were read and adopted.

Be it resolved, by the General Council of the Provisional Government of Texas, that the late Governor, Henry Smith, be and he is hereby required within four hours after notice thereof given, to surrender possession of all the papers, records, public correspondence and public documents of every kind belonging to the Executive department of Texas, or cause the same to be delivered to the proper officer of this Government, who is authorized to receive the same, and that due notice of this resolution shall be given the late Governor, Henry Smith aforesaid, with the name of the officer who is authorized to receive the papers, documents, &c., as aforesaid.

Be it further resolved, that if the said Henry Smith shall refuse to comply with the requisitions of the aforesaid resolution, within the time prescribed therein, that the acting Governor be and is hereby required and instructed, to have said papers, records, public correspondence and documents aforesaid, immediately taken from the possession of the late Governor aforesaid and placed in the charge and safe keeping of the secretary pro tem. of the Executive, Edward B. Wood, and for the same to be done by the proper officer of this Government as aforesaid, who shall receive the same, and who, in case of resistance shall call to his aid the power of the country, all officers of the civil and military, and all citizens of the country, who shall obey the call of said officer in the execution thereof.

On motion, the House adjourned till three o'clock P. M.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Mr. Hanks presented the following resolution, which was read and laid on the table:

Resolved, by the General Council of the Provisional Government of Texas, that R. R. Royall be and he is hereby appointed an agent to take charge of and secure the wreck of the schooner San Felipe and whatever belongs to her now lying on the beach in or near Passo Cabello, and report to this Government of the situation and the best disposition that could be made of her.

Mr. Stewart, late Executive secretary, appeared and by leave stated to the House that he had certain documents belonging to the Council which were held subject to the Council's order.

On motion it was resolved that the secretary of this body wait on Mr. Stewart and receive the documents referred to.

The secretary had leave of absence for that purpose, and after retiring for a few moments returned and presented the documents to the House.

The President submitted a communication from the auditor recommending John Belden to the House for relief; which was read and referred to the committee of finance.

On motion of Mr. Barrett, Mr. Thompson was appointed a committee to wait on the printer of the Telegraph and learn from him on what terms the papers have been heretofore printed and distributed for the Government.

On motion, the House proceeded to elect a marshal for Texas; when John H. Money was duly elected marshal of Texas.

The Executive Secretary presented the following message from the acting Governor:

*To the Honorable, the President, and Members of the Legislative Council:*

GENTLEMEN:—

I am officially informed of the resignation of the Hon. George Ewing, of the office of Judge in the first instance in and for the municipality of Austin, and I recommend the immediate election of suitable persons to fill the important offices of first and second judge in this ancient and respectable municipality.

I have this day approved and signed an ordinance and decree creating the office of marshal of Texas and defining his duties. A resolution appointing a committee of Finance and defining their duties. A resolution giving certain powers to the acting Governor, in the event of there not being a quorum of the Council present. A resolution for appointing an advisory committee of the Council and for other purposes. And a resolution requiring the late Governor, Henry Smith, to deliver up the papers, records, &c., of the Executive department, and for other purposes.

JAMES W. ROBINSON.

On motion the House adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 18th, 1836. }  
 NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

There not being a quorum present, adjourned to nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 19th, 1836. }  
 NINE O'CLOCK, A. M.

The council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 20th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 21st, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 22d, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 23d, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 24th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 25th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 26th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 27th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 28th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
January 29th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 30th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 January 31st, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 1st, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 2d, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 3d, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The President laid before the House the following communication which was read and ordered to be filed, viz.:

**EXECUTIVE DEPARTMENT OF TEXAS.**

To Thomas R. Jackson, Esq. to execute.

You are hereby authorized and required to proceed to the Council Hall, or elsewhere, and demand of J. W. Robinson, former president of the Council, and the members, the following documents, viz.:

An ordinance and decree requiring me to commission McKinney & Williams to contract a loan for one hundred thousand dollars, on which

bill a commission has issued, and by that body demanded and taken from my secretary before it was recorded in my office. Also two commissions certified in that bill to have been returned, one to McKinney & Williams made out by the previous Council of which R. R. Royall was president. And also one other commission made out by me to Thomas F. McKinney, both for the same amount of one hundred thousand dollars. These are Executive papers and belong to my office, you will also demand and bring me the terms on which the armed vessel Invincible has been tendered and accepted by the Government. You will further notify them that if these things are not promptly complied with and they immediately desist from their injurious and disorganizing operations that I will immediately order their arrest and transmission to the post of Bexar to be tried by martial law.

You will immediately make to me your report.

Given from under my hand at office, this 2d February, 1836.

HENRY SMITH, Governor.

A quorum not being present, adjourned to nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
February 4th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
February 5th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

There not being a quorum present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
February 6th, 1836. }  
NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 7th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 8th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

Mr. J. S. Lane presented his certificate of election as a member from Sabine, took the oath prescribed by the organic law, and was admitted to a seat.

Francis W. Jackson was appointed a clerk to assist in transcribing, &c., and was sworn.

Mr. Tucker, from Shelby, asked and obtained leave of absence to return home.

Mr. Lane, was on motion, added to the committee on finance.

On motion, the Council adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 9th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 10th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 11th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 12th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 13th, 1836. }  
 Nine o'clock, a. m.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 15th, 1836. }  
 Nine o'clock, a. m.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till three o'clock, p. m.

THREE O'CLOCK, P. M.

The Council met pursuant to adjournment.

Ira R. Lewis appeared and took the oath prescribed by the organic law, and was admitted a member of the Council from Matagorda.

Mr. Barrett presented the following:

“As the medical friend and adviser of Colonel Barrett, I have examined particularly his present state of health, and consider his future health, and even life endangered by longer confinement to sedentary business at present, he having already seated upon him a diseased state of the liver, and is threatened with a confirmed dropsey of the legs, &c., the consequence of long, laborious employment, in writing and other corresponding duties in the General Council. A. W. EWING.

San Felipe, February 7th, 1836.

*To the Honorable, the President, and Council:*

I now ask to be discharged from further attendance in the General Council. I hope no objection will be made, when it is known that my life is already jeopardized in consequence of my intense labors as a member of your body. My services were intended for the good of my country, which no longer requires them at so great a sacrifice as would be consequent upon my further continuance. D. C. BARRETT.

Council Hall, San Felipe de Austin,  
 February 15th, 1836.

The foregoing being read:

Mr. Clements presented the following resolution, which was unanimously adopted:

Resolved, that in taking leave of D. C. Barrett, who has been a mem-

ber of this body since its first organization, and whose long confinement to the arduous duties which have devolved upon him, has greatly impaired his health. We assure him that his talents and services are properly appreciated by the members who have been associated with him, as we trust, they will be by the people generally. We feel sensibly that this absence from our councils will leave a void that cannot well be supplied, but in his present state of health we cannot urge him to remain in parting from us he has individually our best wishes for his welfare and speedy restoration to health.

Resolved, that a copy of the foregoing be signed by the President and secretary and furnished to Mr. Barrett.

Mr. Bartlett Lewis presented himself and took the oath of office prescribed by the organic law, and was admitted a member of the Council from Mercer.

Mr. Lewis presented several communications respecting remitting duties, &c., which were ordered to be placed on file until a quorum of the Council assemble.

On motion, the Council adjourned till nine o'clock, to-morrow morning.

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COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 February 16th, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.

Mr. Clements presented the following resolution which was read and adopted:

Resolved, That the Council adjourn to meet at the town of Washington on the twenty-second day of this month, and that the acting Governor and other officers connected with the Provisional Government be notified of the fact and requested to remove their offices to that place.

On motion, the Council adjourned accordingly, to meet the 22d inst., at nine o'clock in the morning.

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COUNCIL HALL, WASHINGTON, }  
 February 22d, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
 February 23d, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, WASHINGTON, }  
February 24th, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.  
A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
February 25th, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.  
A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
February 26th, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.  
A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
February 27th, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.  
A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
February 28th, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.  
A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
MARCH 1, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.  
A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, WASHINGTON, }  
 March 2, 1836. }  
*Nine o'clock, a. m.*

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
 March 3d, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
 March 4th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A committee from the Convention (in session at this place) consisting of Messrs. Parmer, Houston and Coleman, came in, and through Mr. Parmer verbally informed the Council that the convention had assembled and were organized.

To which the president replied verbally, "that the members of the council were ready to deliver their archives to any government that might be established by the convention, or to any person authorized by that body to receive them, and begged the committee to return thanks to the Convention for their attention, &c.

A quorum not being present.

On motion the House adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
 March 5th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

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COUNCIL HALL, WASHINGTON, }  
 March 6th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, WASHINGTON, }  
 March 7th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, WASHINGTON, }  
 March 8th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The President submitted the following communication, which having been read, was ordered to be signed by the members present and handed to the convention.

*To the Honorable the President and Members of the Convention:*

The undersigned, members of the General Council of the Provisional Government, have understood from some sources, that the verbal notice given us a few days since, by a committee of your honorable body, that the convention was organized, was deemed a sufficient announcement that the powers of the Provisional Government had ceased. This, from our understanding of the organic law, we did not think to be the case, nor that we could be relieved, without some declaration on the part of the Convention. Accordingly we replied verbally to your committee, that we were ready to surrender the archives of the Council, into the hands of a committee, or any authority acting as a government, provisionally or otherwise. The unfortunate difficulties that arose between the different branches of the Provisional Government, of which it is unnecessary to speak at this time, in some measure crippled its operations and prevented it from acting with that energy so necessary in a crisis like the present. This state of things we expected, would induce the Convention to organize immediately some temporary authority to meet the present exigencies of the country. We could not suppose that the Convention superseded the Provisional Government, without some declaration on their part of such fact. If it is so deemed by your honorable body or if any authority is designated to receive the archives, we shall be ready to deliver them, and return them, and return with pleasure to our homes and the field.

A quorum of the Council not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, WASHINGTON, }  
 March 9th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, WASHINGTON, }  
 March 10th, 1836. }  
 NINE O'CLOCK, A. M.

The House met pursuant to adjournment.

A quorum not being present, adjourned till nine o'clock to-morrow morning.

COUNCIL HALL, WASHINGTON, }  
 March 11th, 1836. }  
 NINE O'CLOCK, A. M.

The Council met pursuant to adjournment.

The president submitted the following documents, received from the secretary of the Convention.

Mr. Rusk introduced the following resolution, viz.:

Resolved, that the late Governor, Henry Smith, the late Lieut. Governor Robinson and the late Council, the late Treasurer, the late Auditor and Comptroller of public accounts, be requested to deliver to this House, all the books, papers, journals, correspondence, contracts, orders, laws and all other papers connected with or relating to their several offices.

Resolved, that the Secretary of this House make out, and hand forthwith to each of the aforementioned individuals a copy of this resolution, and request of them the books and papers referred to.

(A copy.)

Attest,

H. S. KEMBLE, Sec'y.

The foregoing having been read,

The following reply was submitted and approved, and directed to be signed by the members present.

*To the Honorable, the President, and members of the Convention :*

The undersigned, members of the General Council, present acknowledge the receipt, by the hand of your secretary, of a resolution of your honorable body, requesting the archives of the General Council. In reply we have to say that they are at your disposal. From an examination of them it will be seen, that the necessary laws have been passed to prepare the country for a vigorous defence against her enemies, and for the regulation of our civil affairs, which if properly executed will be sufficient to meet the wants of the country, until a new organization takes place under the constitution, to be framed by your body. Since the eighteenth day of January last, there has not been a quorum of the Council present; previous to that date, however, (foreseeing that such an event might happen,) resolutions by the Council were passed, dividing the members that might remain into committees, for the purpose of advising the Executive, as required by the organic law, and transacting such business as might be of pressing importance: such as filling vacancies in offices, providing expresses, advising instructions to agents and to military officers, &c., copies of all which will be found in the executive office.

The secretary of the Council has directions to deliver the archives, at any time when called; he has been for some time past engaged in transcribing the journals into a book for more convenient reference and their

safe preservation, a matter that has been delayed for want of stationery. He will, if permitted to have access to them for a few days, complete the work without any charge to the government.

With sentiments of high  
consideration and respect.

The following resolution was ordered to be entered:

Resolved, that inasmuch as the Convention has assumed to itself the powers of a government, and made a demand for the archives of this body, we deem it a duty to yield to that call, and surrender our trust into their hands, although not in accordance with the provisions of the organic law, yet we are confident that an apology for this course will be found in the present distracted state of public affairs, and a wish on our part to do all in our power, to promote union and concert of action in the defence of our beloved country against her merciless invaders.

When the Council adjourned *sine die*

E. M. PEASE,  
Sec'y of Gen. Council.



# THE GOLIAD

## DECLARATION OF INDEPENDENCE

DECEMBER 20, 1835

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BRAZORIA.  
1835



# DECLARATION OF INDEPENDENCE,

MADE AT GOLIAD, DECEMBER 20, 1835.

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Solemnly impressed with a sense of the danger of the crisis to which recent and remote events have conducted the public affairs of their country, the undersigned prefer this method of laying before their fellow-citizens, a brief retrospect of the light in which they regard both the present and the past, and of frankly declaring *for themselves*, the policy and the uncompromising course which they have resolved to pursue for the future.

They have seen the enthusiasm and the heroic toils of an army bartered for a capitulation, humiliating in itself, and repugnant in the extreme to the pride and honor of the most lenient, and no sooner framed than evaded or insultingly violated.

They have seen their camp thronged, but too frequently, with those who were more anxious to be served by, than to serve their country—with men more desirous of being honored with command than capable of commanding.

They have seen the energies, the prowess, and the achievements of a band worthy to have stood by Washington and receive command, and worthy to participate of the inheritance of the sons of such a Father, frittered, dissipated, and evaporated away for the want of that energy, union, and decision in council, which, though it must emanate from the many, can only be exercised efficiently when concentrated in a single arm.

They have seen the busy aspirants for office running from the field to the council hall, and from this back to the camp, seeking emolument and not service, and swarming like hungry flies around the body politic.

They have seen the deliberations of the council and the volition of the camp distracted and paralyzed, by the interference of an influence anti-patriotic in itself, and too intimately interwoven with the paralyzing policy of the past, to admit the hope of relief from its incorporation with that which can alone avert the evils of the present crisis, and place the affairs of the country beyond the reach of an immediate reaction.

They have witnessed these evils with bitter regrets, with swollen hearts, and indignant bosoms.

A revulsion is at hand. An army, recently powerless and literally imprisoned, is now emancipated. From a comparatively harmless, passive, and inactive attitude, they have been transferred to one pre-eminently commanding, active, and imposing. The North and East of Mexico will now become the stronghold of centralism. Thence it can sally in whatever direction its arch adviser may prefer to employ its weapons. The

counter-revolution in the interior once smothered, the whole fury of the contest will be poured on Texas. She is principally populated with North-Americans. To expel these from its territory, and parcel it out among the instruments of its wrath, will combine the motive and the means for consummating the schemes of the President Dictator. Already, we are denounced, proscribed, outlawed, and exiled from the country. Our lands, peaceably and lawfully acquired, are solemnly pronounced the proper subject of indiscriminate forfeiture, and our estates of confiscation. The laws and guarantees under which we entered the country as colonists, tempted the unbroken silence, sought the dangers of the wilderness, braved the prowling Indian, erected our numerous improvements, and opened and subdued the earth to cultivation, are either abrogated or repealed, and now trampled under the hoofs of the usurper's cavalry.

Why, then, should we longer contend for charters, which, we are again and again told in the annals of the past, were never intended for *our* benefit? Even a willingness on our part to defend them, has provoked the calamities of exterminating warfare. Why contend for the shadow, when the substance courts our acceptance? The price of each is the same. War—exterminating war—is waged; and we have either to fight or flee.

We have indulged sympathy, too, for the condition of many whom, we vainly flattered ourselves, were opposed, in common with their adopted brethren, to the extension of military domination over the domain of Texas. But the siege of Bexar has dissolved the illusion. Nearly all their physical force was in the line of the enemy and armed with rifles. Seventy days' occupation of the fortress of Goliad, has also abundantly demonstrated the general diffusion among the Creole population of a like attachment to the institutions of their ancient tyrants. Intellectually enthralled, and strangers to the blessings of regulated liberty, the only philanthropic service which we can ever force on their acceptance, is that of example. In doing this, we need not expect or even hope for their co-operation. When made the reluctant, but greatly benefited recipients of a new, invigorating, and cherishing policy—a policy tendering equal, impartial, and indiscriminate protection to all; to the low and the high, the humble and the well-born, the poor and the rich, the ignorant and the educated, the simple and the shrewd—then, and not before, will they become even useful auxiliaries in the work of political or moral renovation.

It belongs to the North-Americans of Texas to set this bright, this cheering, this all-subduing example. Let them call together their wise men. Let them be jealous of the experienced, of the speculator, of every one anxious to serve as a delegate, of every one hungry for power, or soliciting office; and of all too who have thus far manifested a willingness to entertain or encourage those who have already tired the patience of the existing Council with their solicitations and attendance. Those who *seek* are seldom ever the best qualified to *fill* an office. Let them discard, too, the use of *names* calculated only to deceive and bewilder, and return like men to the use of words whose signification is settled and universally acknowledged. Let them call their assembly, thus made up, a *Convention*; and let this convention, instead of declaring for “the

principles" of a constitution, for "the principles" of Independence, or for those of Freedom and Sovereignty, boldly, and with one voice, proclaim *the Independence of Texas*. Let the convention frame a constitution for the future government of this favored land. Let them guard the instrument securely, by the introduction of a full, clear, and comprehensive bill of rights. Let all this be done as speedily as possible. Much useful labor has already been performed; but much is yet required to complete the work.

The foregoing, we are fully aware, is a blunt, and in some respects a humiliating, but a faithful picture. However much we may wish, or however much we may be interested, or feel disposed to deceive our enemy, let us carefully guard against deceiving *ourselves*. We are in more danger from this—from his insinuating, secret, silent, and unseen *influence* in our councils, both in the field and in the cabinet, and from the use of his silver and gold, than from his numbers, his organization, or the concentration of his power in a single arm. The *gold* of Philip purchased what his *arms* could not subdue—the *liberties* of Greece. Our enemy, too, holds this weapon. Look well to this, people of Texas, in the exercise of suffrage. Look to it, Counselors, your appointments to office. Integrity is a precious jewel.

Men of Texas! nothing short of independence can place us on solid ground. This step will. This step, too, will entitle us to confidence, and will procure us credit abroad. Without it, every aid we receive must emanate from the enthusiasm of the moment, and with the moment, will be liable to pass away or die forever. Unless we take this step, no foreign power can either respect or even know us. None will hazard a rupture with Mexico, impotent as she is, or incur censure from other powers for interference with the internal affairs of a friendly State, to aid us in any way whatever. Our letters of marque and reprisal must float at the mercy of every nation on the ocean. And whatever courtesy or kindred feeling may do, or forbear to do, in aid of our struggle, prosecuted on the present basis, it would be idle and worse than child-like to flatter ourselves with the hope of any permanent benefit from this branch of the service, without frankly declaring to the world, *as a people*, our *independence* of military Mexico. Let us then take the tyrant and his hirelings at their word. *They* will not know us but as enemies. Let us, then, know them hereafter, as other independent States know each other—as "enemies in war, in peace, friends." Therefore,

1. *Be it Resolved*, That the former province and department of Texas is, and of right ought to be, a *free, sovereign and independent State*.

2. That as such, it has, and of right ought to have, all the powers, faculties, attributes, and immunities of other independent nations.

3. That we, who hereto set our names, pledge to each other our lives, our fortunes, and our sacred honor, to sustain this declaration—relying with our entire confidence upon the co-operation of our fellow-citizens, and the approving smiles of the God of the living, to aid and conduct us victoriously through the struggle, to the enjoyment of peace, union, and good government; and invoking his malediction if we should either equivocate, or, in any manner whatever, prove ourselves unworthy of the high destiny at which we aim.

Done in the town of Goliad, on Sunday, the 20th day of December, in the year of our Lord one thousand eight hundred and thirty-five.

Wm. G. Hill,	John Shelly,	Thomas Todd,
Joseph Bowman,	Patrick O'Leary,	Jeremiah Day,
Geo. W. Welsh,	Timothy Hart,	Wm. S. Brown,
J. D. Kilpatrick,	James St. John,	Benjamin Noble,
Wm. E. Howth,	John Bowen,	M. Carbajal,
Albert Pratt,	Michael O'Donnell,	T. Hanson,
Alvin Woodward,	Nathaniel Holbrook,	John Johnson,
D. M. Jones,	Alexander Lynch,	Edmund Quirk,
J. C. Hutchins,	J. W. Baylor,	Robert McClure,
E. B. W. Fitzgerald,	H. George,	Andrew Devereau,
Hugh McMinn,	Benj. J. White,	Charles Shingle,
Wm. Robertson,	R. L. Redding,	J. B. Dale,
Horace Stamans,	James W. Scott,	Ira Ingram,
Peter Hynes,	Lewis Powell,	John Dunn,
Dugald McFarlane,	John Pollan,	Walter Lambert,
H. F. Davis,	James Duncan,	Miguel Aldrete,
Francis Jones,	David George,	William Quinn,
G. W. Pain,	Gustavus Cholwell,	B. H. Perkins,
Allen White,	John James,	Benj. J. White, Jr.,
Joseph Cadle,	Morgan Bryan,	Edward St. John,
W. H. Living,	Thomas O'Connor,	D. H. Peeks,
Victor Loupy,	Henry J. Moris,	Philip Dimitt,
Sayle Antoine,	James O'Connor,	Francis P. Smith,
Michael Kelly,	Spirse Dooley,	T. Mason Dennis,
Geo. W. Cash,	E. Brush,	C. A. Parker,
Charles Malone,	W. Redfield,	C. M. Dispallier,
C. J. O'Connor,	Albert Silsbe,	Jefferson Ware,
Edward McDonough,	Wm. Haddon,	David Wilson,
Wm. Gould,	James Elder,	William Newland,
Charles Messer,	John J. Bowman,	J. T. Bell.
Isaac Robinson,		

I hereby certify the foregoing to be a true copy of the original in my possession.

IRA INGRAM, *Secretary.*

TOWN OF GOLIAD, December 22, 1835.

THE  
**GENERAL CONVENTION**

AT

WASHINGTON, MARCH 1-17

1836

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HOUSTON.  
1838



**JOURNALS**  
OF  
**THE CONVENTION**  
OF  
**THE FREE, SOVEREIGN AND INDEPENDENT PEOPLE**  
**OF TEXAS, IN GENERAL CONVENTION**  
**ASSEMBLED.**

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In accordance with an ordinance, passed by the General Council on the eleventh of December, A. D. one thousand eight hundred and thirty-five, and sanctioned by his Excellency the Governor, Henry Smith, on the thirteenth of the same month; and with a view to consummate the will and wishes of the General Council, his Excellency the Governor, Henry Smith, did issue his proclamation to all municipal judges, Alcaldes and citizens, that elections should be held on the first day of February next, in all the municipalities of Texas, for the purpose of electing delegates to a Convention, to be held in the town of Washington, on the first day of March ensuing, to be clothed with ample, unlimited or plenary powers, as to the form of government to be adopted; *Provided*, that no Constitution should go into effect, until the same be submitted to the people, and confirmed by a majority thereof.

WASHINGTON, TUESDAY, March 1st, 1836.

There being a quorum of the delegates elect present,  
On motion of Mr. Everett,  
Mr. Collingsworth was called to the chair.  
On motion of Mr. Parmer,  
Mr. Willis A. Faris was appointed Secretary pro. tem.  
On motion of Mr. Parmer,  
*Resolved*, That a committee of three be appointed to examine and report upon the credentials of the delegates elect.

The question being taken thereon, it was decided in the affirmative. Whereupon the Chair appointed Messrs. Parmer, Everett and Childress, and

On motion of Mr. Houston,  
Mr. Zavala was added to said committee.

On motion of Mr. Houston,  
The Convention adjourned until two o'clock.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

The committee appointed to examine and report upon the credentials of the delegates elect, through their chairman, Mr. Parmer made the following Report, to wit:

From the municipality of Austin, *Thomas Barnett* and *Charles B. Stewart*.

From the municipality of Brazoria, *Edwin Waller*, *James Colingsworth* and *John S. D. Byron*.

From the municipality of Washington, *Benjamin Briggs Goodrich*, *G. W. Barnett*, *James S. Swesher* and *Jesse Grimes*.

From the municipality of Mina, *J. W. Bunton*, *Thomas J. Gazley* and *R. M. Coleman*.

From the municipality of Gonzales, *Mathew Caldwell* and *John Fisher*.

From the municipality of Milam, *Sterling C. Robertson* and *George C. Childress*.

From the municipality of Nacogdoches, *Robert Potter*.

From the municipality of San Augustine, *Martin Parmer*, *S. W. Blount* and *E. O. Legrand*.

From the municipality of Sabine, *William Clark, Jr.*, and *James Gaines*.

From the municipality of Harrisburg, *Lorenza de Zavala*.

From the municipality of Jasper, *Stephen H. Everett* and *George W. Smith*.

From the municipality of Matagorda, *Baily Hardeman*.

From the municipality of Jackson, *Elijah Stepp*.

From the municipality of Shelby, *Sidney O. Pennington* and *William C. Crawford*.

From the municipality of Jefferson, *Claiborne West* and *William B. Scates*.

From the municipality of Refugio, *James Power*, *Samuel Houston*, *David Thomas* and *Edward Conrad*.

From the municipality of Goliad, *William Mottley*.

From the municipality of San Patricio, *John Turner*.

From the municipality of Bejar, *Francisco Ruis*, *Antonio Navarro* and *J. B. Badgett*.

From the municipality of Pecan Point and vicinity, *Robert Hamilton*, *Richard Ellis* and *Collin McKinney*.

From the municipality of Colorado, *William D. Lacy* and *William Meniffee*; and

On motion of Mr. Parmer,

The report was received and agreed to.

On motion of Mr. Potter,

*Resolved*, That the Convention proceed to the election of a President of their body.

The question being taken it was agreed to. Mr. Everett nominated Mr. Ellis, and there being no opposition, Mr. Ellis was declared unanimously elected President of the Convention, who was conducted to the chair by Messrs. Collingsworth and Everett; whereupon the President addressed the Convention at some length on the importance of their duties.

On motion of Mr. Collingsworth,

The Convention proceeded to the election of a Secretary to their body.

Mr. Collingsworth nominated Mr. W. A. Faris; Mr. West nominated Mr. E. M. Pease; Mr. Legrand nominated Mr. H. S. Kimball.

The President appointed Messrs. Everett and Childress tellers, and the votes being taken, the tellers reported, that

Mr. W. A. Faris received ten votes; Mr. E. M. Pease received seven votes; Mr. S. H. Kembell received twenty-four votes, whereupon the President declared Mr. Kembell duly elected Secretary to the Convention, who was conducted to the Secretary's table by Messrs. Everett and Childress.

On motion of Mr. Potter,

The Convention proceeded to the election of a Sergeant-at-Arms.

Mr. Potter nominated Mr. Isham Parmer, and there being no **opposition**, the President declared Mr. Parmer duly elected Sergeant-at-Arms of the Convention.

On motion of Mr. Potter,

The Convention proceeded to the election of a Door-Keeper.

Mr. Potter nominated Mr. John A. Hizer, and there being no opposition, the President declared Mr. Hizer duly elected Door-Keeper of the Convention.

On motion of Mr. Goodrich,

The Convention proceeded to the election of an assistant Secretary and an engrossing Clerk.

Mr. Bunton nominated Mr. Pease for assistant Secretary, and Mr. Goodrich nominated Mr. Saul for engrossing Clerk, and there being no opposition, the President declared them both duly elected.

On motion of Mr. Childress,

*Resolved*, That the President appoint a committee of five to draft a Declaration of Independence.

Mr. Parmer offered the following as an amendment:

*Resolved*, That the President appoint one delegate from each municipality a committee to draft a Declaration of Independence, and the question being taken thereon, it was decided in the negative.

The question recurring upon Mr. Childress' resolution, it was decided in the affirmative; whereupon the President appointed Messrs. Childress, Gaines, Conrad, McKinney and Hardeman, said committee.

On motion of Mr. Gazley,

*Resolved*, That the President appoint a committee of five, to draft rules for the order and government of the Convention,

And the question being taken thereon, it was decided in the affirmative: whereupon the President appointed Messrs. Gazdy, Houston, Potter, Collingsworth and Everett, said committee.

On motion of Mr. Everett,

*Resolved*, That the President appoint a committee of three on privileges and elections.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Everett, Stewart and Coleman, said committee.

On motion of Mr. Parmer,

*Resolved*, That the President appoint a committee of three to wait upon Governor Henry Smith, and Lieutenant Governor Robertson, and Council, and notify them of the formation of the Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Parmer, Houston, and Coleman, said committee.

On motion of Mr. Houston,

The Convention adjourned until to-morrow morning at nine o'clock.

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WEDNESDAY, MARCH 2, 1836.

The Convention met pursuant to adjournment.

Mr. Gazley, chairman of the committee appointed to draft rules for the order and government of the Convention, made the following report.

STANDING RULES AND ORDERS FOR CONDUCTING BUSINESS  
IN THE CONVENTION OF TEXAS.

*Touching the duty of the President.*

1st. He shall take the chair every day precisely at the hour to which the house shall have adjourned on the preceding day; shall immediately call the members to order; and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2nd. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the house by any two members; on which appeal, no member shall speak more than once, unless by leave of the house.

3d. He shall rise to put a question, but may state it sitting.

4th. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Ay," and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the President doubts, or a division be called for, the house shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards, those in the negative. If the speaker still doubts, or a count be required, the President shall name two members, one from each side, to tell the numbers in the affirmative, which being reported, he shall then name two others, one from each side, to tell those in the negative, which being also reported, he shall rise and state the decision to the house.

5th. When any motion or proposition is made, the question, "will the house now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the President.

6th. The President shall examine and correct the journal before it is read. He shall have the general direction of the hall. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7th. All committees shall be appointed by the President, unless otherwise specially directed by the house, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the house shall proceed to a second ballot, in which a plurality of votes shall prevail; and, in case a greater number than is required to compose or complete a committee, shall have an equal number of votes, the house shall proceed to a further ballot or ballots.

8th. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and

when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

9th. In all cases of ballot by the house, the President shall vote: in other cases he shall not vote, unless the house be equally divided, or unless his vote, if given to the minority, will make the division equal; and in case of such equal division, the question shall be lost.

10th. In all cases, where other than members of this house may be eligible to an office by the election of the house, there shall be a previous nomination.

11th. All acts, addresses, and joint resolutions, shall be signed by the President; and all writs, warrants, and subpoenas, issued by order of the house, shall be under his hand and seal, attested by the clerk.

12th. In case of any disturbance or disorderly conduct in the galleries or lobby, the President (or chairman of the whole house,) shall have power to order the same to be cleared.

#### *Of Decorum and Debate.*

13th. When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat, and respectfully address himself to "Mr. President," and shall confine himself to the question under debate, and avoid personality.

14th. If any member in speaking, or otherwise, transgress the rules of the house, the President shall, or any member may, call him to order; in which case the member so called to order shall immediately set down, unless permitted to explain, and the house shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, without leave of the house; and if the case require it, he shall be liable to the censure of the house.

15th. When two or more members happen to rise at once, the president is to name the member who is first to speak.

16th. No member shall speak more than twice on the same question, without leave of the house, nor more than once, until every member choosing to speak shall have spoken.

17th. If a question depending be lost by adjournment of the house, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

18th. Whilst the President is putting any question, or addressing the house, none shall walk out of, or across the house; nor, in such case, or when a member is speaking, shall entertain private

discourse, nor, whilst a member is speaking, shall pass between him and the chair.

19th. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

20th. Upon a division and count of the House on any question, no member without the bar shall be counted.

21st. Every member who shall be in the house when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

22nd. When a motion is made and seconded, it shall be stated by the President; or, being in writing, it shall be handed to the chair, and read aloud by the clerk before debated.

23d. Every motion shall be reduced to writing, if the President or any member desire it.

24th. After a motion is stated by the President, or read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn at any time before a decision or amendment.

25th. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit, or amend, to postpone indefinitely; which several motions shall have preference in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

26th. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:—The committee of the whole house on the state of Texas; the committee of the whole house; a standing committee; a select committee.

27th. A motion to adjourn shall always be in order; that, and the motion to lie on the table, shall be decided without debate.

28th. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment, and further debate of the main question.

29th. On a previous question there shall be no debate.

30th. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

31st. Any member may call for the division of a question, which shall be divided if it comprehends questions so distinct that, on being taken away, the rest may stand entire for the decision of the house: A motion to strike out and insert, shall be deemed indivisi-

ble. But a motion to strike out being lost, shall preclude neither amendment nor a motion to insert and strike out.

32nd. Motions and reports may be committed at the pleasure of the house.

33d. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

34th. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same, or the succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

35th. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the house.

36th. The unfinished business in which the house was engaged at the last preceding adjournment shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the house, until the former is disposed of.

37th. Petitions, memorials, and other papers, addressed to the house, shall be presented by the President, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on, on the day of their being first read, unless where the house shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

38th. Any fifteen members (including the President, if there be one,) shall be authorised to compel the attendance of absent members.

39th. Upon calls of the house, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

40th. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

41st. No member shall absent himself from the service of the house unless he have leave; or be sick and unable to attend.

42d. Upon the call of the house, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse, or sufficient excuses are made, may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

43d. When a member shall be discharged from custody, and admitted to his seat, the house shall determine whether such dis-

charge shall be with or without paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

44th. A sergeant-at-arms shall be appointed, to hold his office during the pleasure of the house, whose duty it shall be to attend the house during its sittings; to execute the commands of the house, from time to time; together with all such process, issued by authority thereof, as shall be directed to him by the President.

45th. The fees of the sergeant-at-arms shall be for every arrest the sum of two dollars; for each days' custody, and releasement, one dollar; and for traveling expenses for himself, or a special messenger, going and returning, one tenth of a dollar per mile.

46th. It shall be the duty of the committee of elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this house, and take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the house.

47th. The several standing committees of the house shall have leave to report by bill or otherwise.

48th. No committee shall sit during the sitting of the house, without special leave.

49th. The clerk of the house shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

50th. Whenever confidential communications are received by the President of the Convention the house shall be cleared of all persons except the members, clerks, sergeant-at-arms, and door-keeper, and so continue during the reading of such communications, and, unless otherwise directed by the house, during all debates and proceedings to be had thereon. — And when the President, or any other member, shall inform the house that he has communications to make which he conceives ought to be kept secret, the house shall, in like manner, be cleared till the communication be made; the house shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

51st. The sergeant-at-arms and the door-keeper shall be sworn to keep the secrets of the house.

52d. All questions relating to the priority of business to be acted on, shall be decided on without debate.

*Of Bills.*

53d. Every bill shall be introduced by motion for leave, or by an order of the house, on the report of the committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice at least shall be given of the motion to bring in a bill, and every such motion may be committed.

54th. Every bill shall receive three several readings in the house previous to its passage; and all bills shall be despatched in order as they were introduced, unless when the house shall direct otherwise; but no bill shall be twice read on the same day, without special order of the house.

55th. Upon the second reading of a bill, the President shall state it as ready for commitment or engrossment, and, if committed, then a question shall be, whether to a select or standing committee, or to a committee of the whole house; if to a committee of the whole house, the house shall determine on what day. But, if the bill be ordered to be engrossed, the house shall appoint the day when it shall be read the third time.

56th. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "shall this bill be rejected?" if no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

57th. Not more than three bills, originating in the house shall be committed to the same committee of the whole, and such bills shall be analagous in their nature, which analogy shall be determined by the President.

58th. After commitment and report thereof to the house, or at any time before its passage, a bill may be recommitted.

59th. All bills ordered to be engrossed shall be executed in a fair round hand.

60th. No amendment by way of rider shall be received to any bill on its third reading.

61st. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

*Of Committees of the Whole House.*

62d. It shall be a standing order of the day throughout the session, for the house to resolve itself into a committee of the whole house on the state of Texas.

63d. In forming a committee of the whole house, the President shall leave his chair, and a chairman to preside in committee, shall be appointed by the President.

64th. Upon bills committed to a committee of the whole house, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the house. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

65th. All amendments made to an original motion in committee, shall be incorporated with the motion and so reported.

66th. All amendments made to a report committed to a committee of the whole house, shall be noted and reported as in cases of bills.

67th. All questions, whether in a committee or in the house, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

68th. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is first made or offered, and every such proposition shall receive its first discussion in a committee of the whole house.

69th. No sum or quantum of tax or duty voted by a committee of the whole house, shall be increased in the house until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole house, and so in respect to the time of its continuance.

70th. All proceedings, touching appropriations of money, shall first be discussed in a committee of the whole house.

71st. The rules of proceedings in the house shall be observed in a committee of the whole house, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

72d. No standing rule or order of the house shall be rescinded or changed, without one day's notice being given of the motion therefor. Nor shall any rule be suspended except by a vote of at least two thirds of the members present. Nor shall the order of business, as established by the rules of the house, be postponed or changed, except by a vote of at least two thirds of the members present.

73d. It shall be in order for the committee on enrolled bills to report at any time.

74th. No person shall be permitted to perform divine service in the chamber occupied by the Convention, unless with the consent of the President.

On motion of Mr. Gazley,

The report was received and unanimously agreed to.

On motion of Mr. Collingsworth,

*Resolved*, That Mr. Willis A. Faris be allowed to take a seat at the secretary's table, to note and report the proceedings of the Convention, and

The question being taken thereon, it was decided in the affirmative.

On motion of Mr. Potter,

*Resolved*, That a committee be appointed consisting of one member from each municipality represented in the Convention, for the purpose of drafting a Constitution for Texas, and that the same be reported as soon as practicable to this Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Parmer, Potter, Stewart, Waller, Grimes, Coleman, Fisher, Bunton, Gaines, Zavala, Everett, Hardeman, Stepp, Crawford, West, Powers, Navarro, McKinney, Menifee, Mottley, and Menard, said committee.

The committee to whom was assigned the duty of drafting a Declaration of Independence, through their chairman, Mr. Childress, made the following

#### REPORT.

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for the enjoyment of those inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression. When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated, central, military despotism, in which every interest is disregarded but that of the army and priesthood; both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution is departed, moderation is, at length, so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued; and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons; and mercenary armies sent forth to force a new government upon them at the point of the bayonet. When, in consequence of such acts of mal-feasance and abdication, on the part of the government *anarchy prevails and civil society is dissolved into its origi-*

*nal elements.* In such a crisis, the first law of nature, the right of self-preservation, is the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity to *abolish such government and create another* in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts, to the public opinion of mankind. A statement of a part of our grievances is, therefore, submitted to an impartial world, in justification of the hazardous, but unavoidable, step now taken of severing our political connexions with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government, to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by *general Antonio Lopez de Santa Anna*, who, having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the state of Coahuila, by which our interests have been constitutionally depressed through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned, in the humblest terms, for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general congress a republican constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our constitution, and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of *trial by jury*, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any *public system of education*, although possessed of almost boundless resources, (the public domain) and, although it is an axiom in political science, that unless a people are

educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tryanny; thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the state congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detailments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the *Almighty*, according to the dictates of our conscience, by the support a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to *deliver up our arms*, which are essential to our defence, the rightful property of freemen, and formidable only to tyrannical government.

It has invaded our country, both by land and sea, with intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emmissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions; and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceased to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution thereof of a military government; that they are unfit to be free, and incapable of self-government. The necessity

of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connexion with the Mexican nation has forever ended; and that the people of Texas, do now constitute a *free, sovereign and independent Republic*, and are fully invested with all the rights and attributes which properly belong to independent nations; and conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the supreme arbiter of the destinies of nations.

On motion of Mr. Houston, The report of the committee was received.

On motion of Mr. Collinsworth,

The Convention resolved itself into a committee of the whole upon the report of the committee on the Declaration of Independence, Mr. Collinsworth in the chair.

And after some time spent therein, on motion of Mr. Houston,

The committee rose, and Mr. Collinsworth reported that the committee of the whole had had under consideration the report of the committee on the Declaration of Independence, and had instructed him to report the same with the following caption:

“The unanimous Declaration of Independence made by the Delegates of the People of Texas, in General Convention at the town of Washington, on the 2nd day of March, 1836.”

On motion of Mr. Houston,

Resolved, That the Declaration of Independence, reported by the committee of the whole house, be engrossed and signed by the Delegates of the Convention.

And the question being taken thereon, it was unanimously adopted.

On motion of Mr. Goodrich,

Resolved, That five copies of the Declaration of Independence be prepared, and one to be sent forthwith to Bexar, one to Goliad, one to Nacogdoches, one to Brazoria and one to San Felipe, and that the printer at San Felipe be requested to print, in hand bill form, for distribution, one thousand copies, and that a committee of three be appointed to carry the above resolution into effect.

And the question being taken thereon it was decided in the affirmative; whereupon the President appointed Messrs. Goodrich, Parmer and Byrom said committee.

Mr. Thos. Barnett, from the Municipality of Austin, appeared, produced his credentials and took his seat.

On motion of Mr. Goodrich,

The Convention adjourned until two o'clock p. m.

TWO O'CLOCK, P. M.

Mr. Asa Brigham, from the Municipality of Brazoria, appeared, produced his credentials and took his seat.

Mr. A. H. Latimer, from the Municipality of Pecan Point and vicinity, appeared, produced his credentials, and took his seat.

Messrs. Thos. J. Rusk, Charles S. Taylor, and John S. Roberts appeared, produced their credentials, and took their seats as delegates elect from the Municipality of Nacogdoches.

On motion of Mr. Houston,

The Convention proceeded to the election of an assistant secretary in the place of Mr. E. M. Pease, who declined to act.

Mr. Houston nominated Mr. F. W. Jackson and there being no opposition, the President declared Mr. Jackson duly elected assistant secretary of the Convention.

Mr. Menard from the Municipality of Liberty appeared, produced his credentials, and took his seat.

On motion of Mr. Crawford,

Resolved, That a committee of three be appointed by the President to superintend the procurement of carriers, to send expresses to the army, with such suitable directions as may be thought necessary by the Convention.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Crawford, Lacy, and Caldwell, said committee.

On motion of Mr. Potter,

The Convention adjourned until to-morrow morning at nine o'clock.

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THURSDAY, MARCH 3rd, 1836.

The Convention met pursuant to adjournment.

Mr. A. B. Hardin, from the Municipality of Liberty, appeared, produced his credentials and took his seat as a member of the Convention.

On motion of Mr. Everitt,

Resolved, That the Convention proceed to ballot for a committee to act as an Executive Committee, till such time as a more perfect form of provisional government may be established; and, after some discussion,

On motion of Mr. Everitt,

The same was laid on the table.

On motion of Mr. Everitt,

Resolved, That a committee of three be appointed by the President of the House, to call upon the late Governor Smith, the late Lieutenant Governor Robinson, and the late acting council; that they be requested to deliver up to them all documents or papers

in anywise connected with the late provisional Government, and to inform them that their functions as provisional officers ceased on the first day of March.

On motion of Mr. Everitt,

Resolved, That a committee of three be appointed to form an oath to be administered to the Executive Committee and every officer in the service of the Convention, or who may be appointed by this Convention.

On motion of Mr. Everitt, the same was laid on the table.

On motion of Mr. Everitt, the same was laid on the table.

On motion of Mr. Everitt,

Resolved, That the Convention go into an election for a Major General to have command in chief of all the forces (regulars and volunteers) now in the field, or to be raised, and he to be under the direction of this Convention, and that he be forthwith ordered to the field; and, on motion of Mr. Everitt, the same was laid on the table.

Mr. Crawford, chairman of the committee appointed to procure suitable couriers for the purpose of forwarding expresses, with such information as this Convention may deem proper, beg leave to report the following, to-wit:

Believing it of vital importance that this convention know correctly the true situation of our enemy on the frontier, and also the condition of our army, they would recommend the convention to accept the services of Major Caldwell, who purposes to start this day for the frontier.

On motion of Mr. Crawford,

The report was received and agreed to.

On motion of Mr. Hardeman,

Messrs. Houston, Hamilton, Collinworth and Thomas were added to the committee appointed to draft a constitution.

Mr. Coleman asked and obtained leave to be discharged from further duty to the committee on privileges and elections; where upon the President appointed Mr. LeGrand in his place.

On motion of Mr. Everitt,

The Convention adjourned till two o'clock P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Bunton,

Resolved, That a committee of five be appointed to inquire into the actual condition of our army, the number of officers, grades, where stationed, and what force they command, and the number of privates now in the field; what their condition as to clothing, the quantity of provisions and munitions of war now in the country, and where at, and make report of the same.

And the question being taken thereon it was decided in the affirmative; whereupon the President appointed Messrs. Bunton, Barnett of Washington, Legrand, Fisher of Gonzales and Fisher of Matagorda, said committee.

On motion of Mr. Rusk,

Resolved, that the President appoint a committee consisting of one member from each Municipality to report as early as practicable a constitutive act for the purpose of organizing the physical force of the country for its defence, against its enemies.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Rusk, Barnett of Austin, Collinsworth, Badgett, Lacy, Caldwell, Mottley, Zavala, Smyth, Stepp, Scates, Hardin, Bunton, Robertson, Hardeman, Latimer, Thomas, Blount, Clark, Pennington, Turner and Swisher, said committee.

On motion of Mr. Conrad,

The following Preamble and resolution was introduced:—Whereas Land titles have been recently granted by commissioners, to individuals under the colonization Laws, whilst many brave and worthy men, with equal claims, have been prevented by serving in the field, of similar privileges, notwithstanding the decree of a former Convention, ordering all such proceedings to be suspended: Therefore,

Resolved, That all Land commissioners or agents whatever, interested with the disposition of public Lands, close their offices, and suspend the granting of titles, and all matters whatsoever connected with the disposal of public Lands forthwith; and that if any titles should be granted in defiance of this authority, such titles shall be null and void, and the individual so offending shall be subject to a fine of \$10,000 and imprisonment for twelve months.

On motion of Mr. Thomas, the preamble and resolution were laid on the table till to-morrow.

On motion of Mr. Collinsworth,

Resolved That the papers and documents transferred to the convention, be referred to a committee of five delegates for examination and report.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Collinsworth, Gazley, Hamilton, Childress and Goodrich said committee.

On motion of Mr. Potter,

Resolved that Col. Jesse Benton and Lieut. Griffin Bane be and they are hereby, authorized to raise a Regiment of rangers, the officers of which shall be commissioned by the authority of this convention; the said Regiment of rangers to receive the same pay and rations that are provided for the regular army; the said regiment to enrol themselves during the war, and to be subject at all times, to the orders of the Commander-in-chief of the public forces.

And the question being taken thereon was decided in the affirmative.

On motion of Mr. Goodrich,

Resolved, that no legislative subject shall be acted on by the Convention after this day, the 3rd of March, except such as relates directly to the defence of the country.

On motion of Mr. Everitt, the resolution was laid on the table till to-morrow.

On motion of Mr. Gazley,

Resolved, That a committee of five be appointed to devise & report to this Convention a suitable flag for the Republic of Texas.

And the question being taken thereon, was decided in the affirmative; whereupon the President appointed Messrs. Gazley, Scates, Zavala, Robertson, and Barnett of Austin, and

On motion of Mr. Houston, the President was added to said committee.

On motion of Mr. Goodrich,

Resolved, That the thanks of this Convention be presented to Messrs. Baker & Bordens, editors of the Telegraph for the files of their paper presented them.

And the question being taken thereon, was unanimously decided in the affirmative.

On motion of Mr. Menifee,

The Convention adjourned till tomorrow morning at nine o'clock.

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FRIDAY, MARCH 4, 1836.

The Convention met pursuant to adjournment. The names of the members being called and the journals of the two preceding days being read by the Secretary,

Mr. Everitt, chairman of the committee on privileges and elections made the following report:

Your committee on privileges and elections ask leave respectfully to report, that after a patient examination of various documents laid before your committee, in regard to an election held in the municipality of Matagorda, (said election being contested by Messrs. Royall and Fisher) have come to the conclusion that Mr. S. Rhodes Fisher is legally elected and entitled to a seat in this house. In drawing this conclusion, your committee would respectfully state to the house, that among the returns of elections, is one from Goliad, held among the volunteers on the fifth of January; at that election Mr. Royall received sixteen votes. The person who discharged that post, appeared before your committee, and testified that he discharged said volunteers on the evening of the 11th

and morning of the 12th January, and it appears further in evidence, that a part at least of said volunteers voted again, and your committee are unanimously of opinion, that said votes were not legal votes, and that they ought not to be counted, and in making up their report, they have left them entirely out.

It appears further in evidence that three men on their way from the army to the United States, did vote at a house where they stopped for the night, and as is certified, their votes were taken between the hours of 8 and 9 o'clock at night, your committee are unanimously of opinion that the above three votes should not be counted, as they were clearly illegal, and have accordingly thrown them out, as said persons who so voted, did immediately thereafter leave the country, and also that the votes were taken after the time of the election.

Your committee are therefore of opinion, that Mr. S. Rhodes Fisher, named, ought to be enrolled among the members of this house.

S. H. EVERITT, Chairman.  
 E. O. LeGRAND, }  
 C. B. STEWART, } Committee.

On motion of Mr. Rusk,

The report of the committee was received.

On motion of Mr. Childress,

Resolved, That inasmuch as there are two contested elections pending before this Convention, viz: that election between Messrs. McMullen and Bowers, and that between Messrs. Royall and Fisher, and inasmuch as there is, and will be, contradictory statements and evidence before this body, and probably great uncertainty will exist as to who ought to have the seats referred to, and inasmuch as there is not time before the probable adjournment of this body to refer the questions back to the people for a new election, and it is desirable that there should be a full representation of all the people, and that the Convention should have the assistance of the representations from those municipalities, and that all dissensions and irritating questions should now be entirely avoided,

Therefore, Resolved, through the plenary powers vested in this Convention, that each of the above named gentlemen be allowed to take their seats as members of this body, that those who are now here be allowed to do so immediately, and the others whenever they may appear and make their application.

Mr. Childress argued in favor of the resolution, Messrs. Rusk and Potter in opposition, and the question being taken thereon it was decided in the negative.

Mr. Legrand asked and obtained leave that Mr. Royall should address the Convention in behalf of himself, which he did at some length in defence of his right to a seat in the Convention.

Messrs. Rusk and Everett followed in support of the report made by the committee on privileges and elections, and the question being taken thereon, was decided in the affirmative.

Mr. Everett, Chairman of the Committee on privileges and elections, made the following report:

The committee of privileges and elections respectfully ask leave to report that the Honl. John Turner came before said committee and attested that his constituents instructed him to protest against Mr. McMullen being received as a member of this Convention; that the grounds on which the protest was founded, was that many volunteers, who desired to vote on the day of election, were not allowed to vote by a majority of the judges of the election; that he heard at least four say that they intended to vote for Mr. Bowers and he is clearly of opinion that many others would have voted for Mr. Bowers. Your committee differ in opinion, and respectfully desire the sense of the house to be taken on it.

Your committee is fully of opinion that Mr. Bowers should be invited to take a seat in this house.

S. H. EVERETT, Chairman.

C. B. STEWART.

Mr. McMullen asked and obtained leave to address the Convention in behalf of his right to a seat in the Convention.

Mr. Turner followed in debate, and the question being taken on the Report of the committee, it was decided in the affirmative; and

On motion of Mr. Everitt,

The Sergeant at Arms was instructed to assign a seat to Mr. Bowers.

Mr. Parmer, from the committee to whom was assigned the duty to inform the Governor Henry Smith, and the Lt. Govr. Robinson and Council; and notify them of the formation of the Convention, beg leave to report that the committee have performed the duties assigned them; and

On motion of Mr. Parmer,

The Report was received and agreed to.

On motion of Mr. Collinsworth,

The following Preamble and resolution were introduced:

Whereas we are now in a state of Revolution, and threatened by a large invading army, from the central government of Mexico; and whereas our present situation, and the emergency of the present crisis, renders it indispensably necessary that we should have an army in the field; and, whereas, it is also necessary that there should be one Supreme head or Commander in Chief, and due degrees of subordination defined, established and strictly observed,

Therefore, be it Resolved, that General Samuel Houston be appointed Commander in Chief of all the land forces of the Texian Army, both regulars, volunteers and militia, while in actual ser-

vice, and endowed with all the rights, privileges and powers due to a Commander in Chief in the United States of America, and that he forthwith proceed to take command, establish headquarters and organize the army accordingly.

On motion of Mr. Collinsworth,

Resolved, that the rule requiring the resolution to lay one day on the table, be dispensed with, and that the Resolution be forthwith put upon its passage.

On motion of Mr. Gazley,

The Convention adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Collinsworth,

The resolution laid on the table until two o'clock, being called for, and the house sustaining the call, and the resolution being read by the secretary, Mr. Gazley offered the following amendment:

And that Samuel Houston retain such command until the election of a chief magistrate of this government, and to continue in such office unless, superseded by order of the government, subject, however, to the general orders of the government *de facto*, until the general organization agreeable to the constitution, and always amenable to the laws and civil authorities of the country.

The amendment was accepted by the introducer of the resolution.

Mr. Everett moved the further amendment by adding the words "major general to be," after the word *appointment* and before the word *commander*, the amendment being also accepted by the introducer of the resolution.

The resolution was then put upon its passage, on which a debate arose. Messrs. Collinsworth, Gazley and Thomas, in favor of the resolution, and Mr. Potter in opposition; and the question being taken thereon, it passed in the affirmative.

On motion of Mr. Everett, that the Convention adjourn:

Mr. Parmer moved that they adjourn until nine o'clock on Monday next, and urged the propriety of the time mentioned, as there were two very important committees, composed of a majority of the house, and to give them time to make their report; he hoped the house would adjourn until that time.

And the question being taken, it was agreed to, and so the house adjourned until Monday, nine o'clock.

SUNDAY, MARCH 6, 1836.

The President called the Convention together, and informed them that he had received by express a letter from Colonel W. Barrett Travis, Commandant of the Alamo, at Bejar de San Antonio, which required the immediate action of the Convention. The letter being read by the secretary, was as follows, to wit:

COMMANDANCY OF THE ALAMO, }  
Bejar, March 3d, 1836. }

SIR: In the present confusion of the political authorities of the country, and in the absence of the commander-in-chief, I beg leave to communicate to you the situation of this garrison. You have doubtless already seen my official report of the action of the twenty-fifth ult., made on that day to Gen. Sam. Houston, together with the various communications heretofore sent by express, I shall therefore confine myself to what has transpired since that date.

From the twenty-fifth to the present date, the enemy have kept up a bombardment from two howitzers, (one a five and a half inch, and the other an eight inch,) and a heavy cannonade from two long nine pounders, mounted on a battery on the opposite side of the river, at a distance of four hundred yards from our walls. During this period the enemy have been busily employed in encircling us with entrenched encampments on all sides, at the following distance, to wit: In Bejar, four hundred yards west; in Lavilleta, three hundred yards south; at the powder house, one thousand yards east by south; on the ditch, eight hundred yards north east, and at the old mill, eight hundred yards north. Notwithstanding all this, a company of thirty-two men from Gonzales, made their way into us on the morning of the first inst. at three o'clock, and Colonel J. B. Bonham (a courier from Gonzales) got in this morning at eleven o'clock, without molestation. I have fortified this place, so that the walls are generally proof against cannon balls; and I still continue to entrench on the inside, and strengthen the walls by throwing up the dirt. At least two hundred shells have fallen inside of our works without having injured a single man; indeed we have been so fortunate as not to loose a man from any cause, and we have killed many of the enemy. The spirits of my men are still high, although they have had much to depress them. We have contended for ten days against an enemy whose numbers are variously estimated at from fifteen hundred to six thousand men, with General Ramier Siesma and Colonel Batris, the aid de camp of Santa Anna, at their head. A report was circulated that Santa Anna himself was with the enemy, but I think it was false. A reinforcement of about one thousand men is now entering Bejar, from the west, and I think it more than probable that Santa Anna is now in town, from the rejoicing we hear.

Col. Fannin is said to be on the march to this place with reinforcements, but I fear it is not true, as I have repeatedly sent to him for aid without receiving any. Col. Bonham, my special messenger, arrived at La Bahia fourteen days ago, with a request for aid; and on the arrival of the enemy in Bejar, ten days ago, I sent an express to Colonel F., which arrived at Goliad on the next day, urging him to send us reinforcements; none have yet arrived. I look to the colonies alone for aid; unless it arrives soon, I shall have to fight the enemy on his own terms. I will, however, do the best I can under the circumstances; and I feel confident that the determined valor and desperate courage, heretofore exhibited by my men, will not fail them in the last struggle; and although they may be sacrificed to the vengeance of a Gothic enemy, the victory will cost the enemy so dear, that it will be worse for him than a defeat. I hope your honorable body will hasten on reinforcements, ammunition, and provisions to our aid as soon as possible. We have provisions for twenty days for the men we have. Our supply of ammunition is limited. At least five hundred pounds of cannon powder, and two hundred rounds of six, nine, twelve and eighteen pound balls, ten kegs of rifle powder and a supply of lead, should be sent to the place without delay, under a sufficient guard.

If these things are promptly sent, and large reinforcements are hastened to this frontier, this neighborhood will be the great and decisive ground. The power of Santa Anna is to be met here, or in the colonies; we had better meet them here than to suffer a war of devastation to rage in our settlements. A blood red banner waves from the church of Bejar, and in the camp above us, in token that the war is one of vengeance against rebels; they have declared us as such; demanded that we should surrender at discretion, or that this garrison should be put to the sword. Their threats have had no influence on me or my men, but to make all fight with desperation, and that high souled courage which characterises the patriot, who is willing to die in defence of his country's liberty and his own honor.

The citizens of this municipality are all our enemies, except those who have joined us heretofore. We have but three Mexicans now in the fort; those who have not joined us, in this extremity, should be declared public enemies, and their property should aid in paying the expenses of the war.

The bearer of this will give your honorable body a statement more in detail, should he escape through the enemy's lines.

God and Texas—Victory or Death.

Your obedient servant,

W. BARRETT TRAVIS, Lieut. Col. Comm.

P. S. The enemy's troops are still arriving, and the reinforcement will probably amount to two or three thousand. T.

On motion of Mr. Parmer,

*Resolved*, That one thousand copies of Colonel W. Barrett Travis's letter be printed in hand bill form by the editors, Messrs. Baker & Bordens, of San Felipe.

And the question being taken thereon, it was decided in the affirmative.

Mr. Samuel A. Maverick, from the municipality of Bejar, appeared, produced his credentials and took his seat as a member of the Convention.

On motion of Mr. Childress,

*Resolved*, That Captain J. Cook be invited to take a seat within the bar of the Convention, in testimony of the regard for the services he has rendered to Texas in her struggle for freedom.

And the question being taken thereon, it was unanimously decided in the affirmative.

On motion of Mr. Houston,

*Resolved*, That Captain Burk and Lieutenant Thornton, be invited to take a seat within the bar of the Convention as a tribute due to their gallantry in defending the cause of Texas.

And the question being taken thereon, it was unanimously decided in affirmative.

Mr. S. Rhodes Fisher, from the municipality of Matagorda, appeared and, agreeable to the report of the committee on privileges and elections, took his seat as a delegate of the Convention.

Mr. Houston asked and obtained leave to address the Convention, explanatory of his former course as commander-in-chief; the delicacy of his position under the decrees and orders of the provisional government, tendered his acknowledgements to the Convention for his re-appointment as commander-in-chief, and took his leave for the army.

On motion of Mr. Potter,

*Resolved*, That the safety of the country is threatened in a manner which makes it the duty of all her citizens to hasten to the field.

*Resolved*, That the members of this Convention, while they keep steadily in view the organization of the government, will, in the present emergency, adjourn to meet in the camp of our countrymen, there or elsewhere to complete the business of the convention.

*Resolved*, That a committee of five members be appointed, clothed with all the powers residing in the Convention, to raise and organize the militia and volunteers, provide supplies of provisions and ammunition for the troops, and to draft an appeal to the people of Texas and to the United States, explaining our situation and the motives of our adjournment.

Mr. Potter advocated the adoption of the resolution; Messrs. Collinsworth, Childress, and Rusk, in opposition thereto, and the question being taken thereon, it was decided in the negative.

On motion of Mr. Thomas,

*Resolved*, That a standing military committee, consisting of five members, be appointed by the President.

And the question being taken thereon, it was decided in the affirmative; whereupon the President appointed Messrs. Collinsworth, Rusk, Power, Gaines and Fisher of Gonzales, said committee.

Mr. James Woods, from the municipality of Liberty, appeared, produced his credentials, and took his seat as a delegate of the Convention.

On motion of Mr. Pennington,

Leave was given to all the delegates of the Convention, who were absent at the time of the adoption of the Declaration of Independence, to sign the same.

On motion of Mr. Pennington,

The Convention adjourned till to-morrow morning at nine o'clock.

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MONDAY, MARCH 7, 1836.

The Convention met pursuant to adjournment.

Mr. Everett, chairman of the committee on privileges and elections, reported that the committee had examined the credentials of election of John W. Moore, of the municipality of Harrisburg, and that he is entitled to a seat in this Convention.

On motion of Mr. Parmer,

The report was received and agreed to, whereupon Mr. Moore took his seat as a delegate of the Convention.

On motion of Mr. Goodrich,

*Resolved*, That a committee of three members of this body be appointed to inform our commissioners, now in the United States, that we have declared independence, and to urge upon them the necessity of using their utmost exertions to bring about as soon as practicable, the recognition of the independence of Texas, by the Congress of the United States of the north, now in session.

The resolution lies one day on the table under the rule of the Convention.

Mr. Potter presented a communication from the late Governor Henry Smith, which,

On motion of Mr. Conrad,

Was laid on the table.

On motion of Mr. Hardeman,

The letter of H. K. W. Hill, esq., to Mr. George C. Childress, enclosing his bill of exchange on Messrs. N. & J. Dick & Co. of New Orleans for five thousand, for the use and benefit of Texas,

enclosed by Governor Smith's communication, was read by the secretary.

On motion of Mr. Potter,

*Resolved*, That the thanks of the Convention be tendered to H. K. W. Hill, Esq., of Nashville, for his generous and warm hearted offer of assistance to the people of Texas in their struggle for independence; and that the President of this Convention communicate this resolution to Mr. Hill, in such a manner as he may deem most acceptable to the feelings of that gentleman.

And the question being taken thereon, it was decided unanimously in the affirmative.

Mr. Rusk, chairman of the committee appointed to report as early as practicable a constitutive act, for the purpose of organizing the physical force of the country for its defence against its enemies, made the following report:

*An Ordinance to organise the Militia of the Republic of Texas.*

Whereas, the present exigencies of the country are such as imperiously demand the immediate organization of its physical force for its prompt and energetic defence, against a large invading army of merciless enemies, who are waging a war of extermination against all ages, sexes and conditions of our population; and

Whereas it is the bounden duty of every man who asks of the country protection of his person and property, to stand forth in such a crisis in its defence.

SECTION 1. *Be it, therefore, ordained by the delegates of the people of Texas, in Convention assembled, and it is hereby ordained and decreed by the authority of the same*, That all able bodied males (Indians and slaves excepted) inhabitants of Texas, over the age of seventeen, and under the age of fifty, and who are not hereinafter exempted, shall be liable and subject to do militia duty; *Provided, also*, That all those under and above that age, shall have the privilege of enrolling their names and subjecting themselves to duty.

SEC. 2. *Be it further ordained by the authority aforesaid*, That it shall be the duty of this Convention to appoint one man in each municipality, district or county, whose duty it shall be, within ten days after the reception of the notice of his appointment, accompanied by a copy of this ordinance, to take and register, in a book to be kept by him for that purpose, the names of all those in his district or county, liable to do duty under the provisions of this act; true transcript copies of the names so taken, to be made out by him, properly certified, one copy to be sent to the executive, one to the commander-in-chief of the army, and another to be posted up at the most public place in the district or county; *Provided*, That in the district or county of Nacogdoches, there shall be one additional individual appointed, whose duty it shall be to make

out separately, the names of all natives therein liable to serve, and that they, when drafted or ordered out, shall be organized in a separate corps.

SEC. 3. *Be it further ordained by the authority aforesaid,* That the executive authority established by the Convention, (and that until such authority be established, the President of this body) shall have power, at all times, to order out the militia, by draft or otherwise, for a term to be specified by him (not to exceed, at any one time, six months,) in case the exigencies of the country may require it; *Provided,* That not more than two-thirds of the militia shall be required to be in service at any time, and the militia, when so ordered out, shall be under the command and direction of the commander-in-chief of the army.

SEC. 4. *Be it ordained by the authority aforesaid,* That when the service of any portion of the militia shall be required, the Executive, or the President of this body, as the case may be, shall issue his orders and transmit them to the persons appointed in each district or county, setting forth the number of men required from each, and it shall be the duty of such person to make out, on separate slips of paper, the names of all the persons therein liable to do militia duty, which names, when so made out, shall be deposited in the manner hereinafter directed in a hat or box, in the presence of three disinterested persons, who are not, by the provisions of this act, liable to do militia duty, and after the said names shall be well mixed up, and shaken by each of the three persons; they shall cause to be drawn from the hat or box, one at a time, by a child under the age of ten years, the number so required for service. The names to be placed in the hat or box in the following manner, to wit: The names of all persons who have not been in the service shall be placed therein and drawn before the names of those who have served, or are now serving, or shall during this campaign, and before any draft enter the service; and all those who have served for a shorter period than one month, or may in the present campaign serve for a shorter period than one month, shall be first drawn before those who have or may in this campaign serve for one month or upwards. *Provided,* no person shall be entitled to any of the benefits of these exceptions who shall not before the day of the draft, of which five days notice shall be given, furnish satisfactory proof, either in writing or by the testimony of two respectable witnesses, to the person appointed to enroll the names, of his having performed such service; which names when so drawn shall be entered on a list, and certified by the said citizens, and copies thereof furnished to the executive and the commander-in-chief of the army. It shall then be the duty of the persons so appointed, to muster those so drawn out and registered into service on a day to be specified by him, and at some convenient place in the district or county, when they shall proceed to elect suitable

officers to command them, agreeable to the provisions of the law in existence in relation to the organization of the army, which officers shall be commissioned by the executive officer of the government for the time being.

SEC. 5. *Be it ordained by the authority aforesaid,* That every person so drawn or drafted as aforesaid, when required to muster into service shall be and is hereby required to prepare himself with a rifle or musket, one pound of powder, one pound lead, a shot pouch, powder horn and knapsack, unless he will swear he is unable to do so, without injury to his family.

SEC. 6. *Be it ordained by the authority aforesaid,* That if any individual, after having been so drawn and notified, shall fail or refuse to muster into service, either by himself or substitute, without a reasonable excuse, to be judged of by three disinterested persons to be chosen by the person appointed to register the names and sworn to decide the same, he shall be forthwith arrested as a deserter and tried by a Court Martial and punished agreeable to the rules and articles of war of the United States of America in time of war. And also on conviction thereof before any court of law hereafter appointed, having competent jurisdiction, he shall forfeit one half of his property to the use of the Republic, the other half shall be vested fully and completely in his wife and children, or wife or children if he have any; and he shall never hold any office of honor, trust or profit under the Government, be admitted as a witness in court, or vote for any office.

SEC. 7. *Be it ordained by the authority aforesaid,* That when an individual shall be so drawn and mustered into service, he shall not again be required to enter the service until the others who have not served shall be drafted in the same manner as before provided.

SEC. 8. *Be it ordained by the authority aforesaid,* That it shall be the duty of every individual moving into a district or county within ten days after his arrival therein, to report himself to the person so appointed in such district or county to enrol the names, and on failure to do so he shall be fined the sum of twenty-five dollars, to be collected by the order of any judicial officer by distress and sale of his property forthwith, which fine shall be paid into the treasury and go to the use of the army. And any persons coming into the district or county and remaining there ten days without reporting himself for military duty shall be liable to serve before all other persons.

SEC. 9. *Be it ordained by the authority aforesaid,* That the person so appointed to register the names, shall have power to appoint one or more under him, not exceeding five, for the purpose of enabling him, with the greater despatch to complete the business; provided those appointed under him shall not be thereby exempted from doing military duty.

Sec. 10. Be it ordained by the authority aforesaid, That in case the person so appointed fail or refuse to discharge the duties required of him by this act, he shall be fined the sum of two hundred dollars, to be collected by the order of any civil officer by distress and sale of his property forthwith.

Sec. 11. Be it ordained by the authority aforesaid, That in case of death, resignation or other vacation of said office, the highest civil officer in the district or county or jurisdiction shall discharge the duties until the appointment shall be filled by the executive officer of the government, who shall have power to fill the same.

Sec. 12. Be it ordained by the authority aforesaid, That when any requisition is made on any district, county or jurisdiction for a certain number of men, the citizens of the same shall be at full liberty to volunteer their services for the time required, and that when they so volunteer and serve, they shall be exempt from further service until their time arrives, in the same manner as if they had been drafted.

Sec. 13. Be it ordained by the authority aforesaid, That whenever a Regiment, battallion or company present themselves to the authorities of the Republic, they shall be received into the service for any term, not less than three months or longer than the continuance of the war, on the same conditions as others; and shall have the officers, their numbers entitle them to according to the laws, commissioned by the Executive of the Republic, whenever said officers shall produce satisfactory evidence of their election by the volunteers entering the service.

Sec. 14. Be it ordained by the authority aforesaid, That all acting judges, postmasters and executive officers of the Government, together with those appointed to register the names, shall be exempted from militia duty.

Sec. 15. Be it ordained by the authority aforesaid, That the pay, allowance and rations of the militia shall be the same as heretofore established by the existing laws and ordinances on that subject.

Sec. 16. Be it ordained by the authority aforesaid, That all officers commissioned by the late provisional government, who are not in actual service, and who are not exempt by the provisions of this act, shall be liable and subject to draft the same as others; provided they do not within ten days after the publication of this act repair to the field.

Sec. 17. Be it ordained by the authority aforesaid, That all cases not herein provided for, shall be governed by the military Laws of the United States of America, so far as they are applicable to our circumstances and situation.

Sec. 18. Be it ordained by the authority aforesaid, That this ordinance remain in full force for and during the term of twelve

months from the day of its passage, and no longer, unless sooner repealed by a Congress of the Republic.

On motion of Mr. Parmer, the report was received.

Mr. Goodrich moved that the rule be dispensed with, and that the Convention resolve itself into a committee of the whole upon the report forthwith.

And the question being taken thereon was decided in the negative. The resolution lies one day on the table, under the rule of the Convention.

On motion of Mr. Gazley,

Resolved, That military depots be established at the La Bahia crossing of the Colorado, and at the town of Mina for the purpose of supplying the army with provisions and munitions of war; and that suitable persons be appointed by the Executive Committee Commissioners at those places to procure corn, cattle, sugar, coffee and tobacco, with such arms and munitions of war as may be necessary for the troops in service.

Mr. Goodrich moved to amend by inserting between the words "Mina" and "for" "and at the La Bahia crossing of the Brazos;" which was accepted by the introducer of the resolution.

And the question being taken on the adoption of the resolution as amended, it was decided in the affirmative.

Mr. Rusk moved that the resolution be referred to the Military Committee; and the question being taken thereon, it was decided in the affirmative.

Mr. Everitt called for a resolution submitted by him, and laid on the table on Friday last, proposing that the Convention ballot for a committee, to act as an Executive Committee.

The Convention sustained the call, and, on motion of Mr. Goodrich, the resolution was indefinitely postponed.

On motion of Mr. Collinsworth,

Messrs. Thomas, Smith, and Menard were added to the Committee on Military Affairs.

Messrs. S. Rhodes Fisher, John W. Moore, John W. Bowers and Samuel A. Maverick, being absent at the adoption of the Declaration of Independence, asked and obtained leave to sign the same.

On motion of Mr. Childress, the Convention adjourned till tomorrow morning at nine o'clock.

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TUESDAY, MARCH 8, 1836.

The Convention met pursuant to adjournment.

The President laid before the Convention a communication from the late Lieut. Govr. Robinson, which being read by the Secretary, was as follows:

EXECUTIVE DEPARTMENT OF TEXAS, }  
 Washington, March 4, 1836. }

To the Honl. the President,

and Members of the Convention:

Gentlemen,—Having been called upon by the constituted authorities of the country, to exercise the power, and discharge the duties of Governor, according to the second article of the organic law, which I have complied with much against my own inclination, but in obedience to what I conceived to be my paramount duty as Lieutenant Governor, the governor being suspended by the competent authority. The right and authority under which I exercised this power, and performed these duties, having been called in question, and made the foundation of, and the excuse for disobedience of orders in some instances, and doubt and indecision in many, very many, highly respectable citizens, to the manifest injury of our beloved country; and not wishing to claim powers not clearly delegated, and unquestionably given by the laws of the land, and sustained *by the people of free and independent Texas*, I have presented the subject before you, for your consideration and decision, and will bow with pleasure to whatever conclusion you may arrive. I know the tenacity with which the human heart usually clings to power, and the exercise of a little brief authority; but for myself I do unhesitatingly say that it was with great reluctance that I entered upon the discharge of the gubernatorial duties, and I assure you that I will retire from this situation to the tented field, where I hope to render some service, however humble, as a private soldier, and I trust I will meet every freeman who can be spared from other public service. In this hour of peril and danger, Texas shall not find me wanting in devotion to her interest and honor, and this pledge I am now ready to redeem with my life.

Although I entertain no doubt of my right and duty to act as the Executive of the Country and, in the words of a distinguished statesman of the Land of Washington, “I challenge the test of talents and of time” in regard to the purity of my intentions in the administration of the government. The course I have pursued is *marked, clear and onward*. In the last Convention to the best of my abilities, *independence, and nothing but independence, had my unqualified support*; and every days experience since that time, satisfies me that a declaration of that kind ought to have been made, and any other declaration now, would utterly blast and destroy with a fated mildew, the fond hopes of the friends of the country, here and elsewhere. Yet for Texas I am, and ever have been, ready to make any sacrifice in my power to offer, but that of honor and my oath of office.

Permit me therefore to request your honorable body, so to organise, constitute and remodel the provisional Government, as to

restore harmony, promote union, provide for the common defence and general welfare; and that the public interest may not be prejudiced or injured by the present unhappy state of dissention and disunion.

Allow me to urge upon you the necessity of doing so with as little delay as your other imperative and urgent duties will permit, and I would respectfully say, that I hold my official papers at the disposition of the Convention.

We are now invaded by a ruthless enemy, who gives no quarters, and conscious that a moment ought not to be lost in meeting and repelling him, I will not attempt an argument of the question of the propriety of such an organization; it must be too plain a proposition to need it; and there is neither time nor place for cold debate; but the times call for prompt and energetic action.

The kindness of friends, the confidence reposed, and the duty I owe my country will not permit me to say less, and the urgent and imploring call of our invaded homes will not allow me longer to trespass upon your valuable time, that can otherwise be profitably appropriated.

That Harmony may prevail in your councils, throughout all your arduous labors, as it has in making an unqualified declaration of Independence, and the formation of a Constitution thereon for our Government may be the happy result, is the sincere hope of your  
Fellow citizen,

JAMES W. ROBINSON.

The President laid before the Convention a communication from John McMullen, the late President pro-tem of the late General Council, Alexander Thompson and G. A. Patillo, which being read by the Secretary was as follows.

Council Room,  
Washington, March 8, 1836.

To the Honl. the President and members of the Convention:

The undersigned members of the General Council, have understood, from some source, that the verbal notice given us a few days since by a committee of your honorable body, that "the Convention were organized," was deemed a sufficient announcement that the powers of the provisional Govt. had ceased. This, from our understanding of the organic Law, we did not think to be the case, nor that we could be relieved without some declaration on the part of the Convention; accordingly, we replied verbally to your Committee, that we were ready to deliver the archives of the Council into the hands of the Convention, or any authority acting as a Government, provisional or otherwise.

The unfortunate difficulties that arose between the different branches of the provisional government, of which it is unneces-

sary to speak at this time, in some measure crippled its operations and prevented it from acting with that energy so necessary in a crisis like the present. This state of things, we expected, would induce the convention to organize immediately, some temporary authority to meet the present exigencies of the country.

We would not suppose that the convention superseded the provisional government, without some declaration on their part of such fact; if it is so deemed by your honorable body, or any authority is designated to receive the archives, we are ready to deliver them, and with pleasure return to our homes and the field.

JOHN McMULLEN,

Prest. pro tem. of the Gen. Council.

ALEX. THOMPSON,

G. A. PATILLO.

On motion of Mr. Parmer,

The communications were referred to the committee on public documents.

Mr. Potter introduced the following preamble and resolution:

Whereas, the securing to the people of Texas in the fair and undisturbed enjoyment of their lands, is an object of paramount consideration with this convention; and, whereas, certain designing persons in Texas, combined with others who live in distant parts, and are not citizens of Texas, are seeking, under the cover of forgery or fraudulent grants, to cheat the people of Texas out of large and valuable portions of their lands, which, if not put down, would oppress the individual settlers, and cripple the resources of the country, so as to put it out of the power of the government to make suitable provisions in lands and otherwise for our volunteers now in the field, or who may hereafter serve the public cause;

Therefore, Resolved, That the committee on the constitution, be instructed to inquire into the propriety of inserting in that instrument a provision to the following effect, viz: No claim of eleven leagues of land or more shall be valid; and all titles issued to any individual, under any pretence whatsoever, for more than one League and a Labor of Land, (empresarios excepted) shall be null and void and of no effect. All titles which may have been issued to any individual, under any pretence whatsoever, since the act of the late Consultation closing the Land offices, shall be null and void and of no effect; and in the future adjustment of land titles, not previously located by others, in accordance with the principles of this provision, shall enjoy a preference over all other persons. This Convention, or the Congress which may succeed it, will make provisions for carrying this article into effect; and no legislative act, or judicial decision shall ever be made in contradiction to the foregoing clause.

Mr. Pennington offered the following amendment:

Resolved, also, that all surveys that have been made since the seventeenth day of October last, are null and void, unless the grantee, actually resided on the same at the time the survey was made, east of the Trinity river.

Which was accepted by the introducer of the preamble and resolution.

On motion of Mr. Potter, that the rule, requiring the preamble and resolutions to lay one day on the table, be dispensed with; and that the preamble and resolution with the amendment be forthwith put upon its passage.

And the question being taken thereon, it was decided in the affirmative, by two-thirds of the members present.

Whereupon the Convention resolved itself into a committee of the whole house upon the preamble and resolution, with the amendment.

Mr. Grimes in the chair.

And after some time spent therein, Mr. Grimes reported that the committee of the whole house had had under consideration a preamble and resolution, proposing to the committee on the constitution, the propriety of inserting in that instrument a provision, that no claim of eleven Leagues of Land shall be valid, and that the committee had refused the reference and rejected the preamble and resolution.

On motion of Mr. Grimes, the report was received and agreed to.

On motion of Mr. Childress, the Convention adjourned till two o'clock P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Conrad,

Resolved, that the Convention proceed to ballot for three Commissioners whose duties it shall be to proceed to the different Land offices of Texas, and examine strictly into the state and condition of the same, the quantity of land still unappropriated, its location &c., &c.; the circumstances attending the disposition of all grants for more than the quantity of land established by the Colonization Laws, to whom granted and for what consideration, and to collect all other information in relation to the conducting of land matters, which may be considered useful, and report the same to the Executive as soon as practicable; also, that it shall be the duty of the said commissioners, to take custody of all titles, books, and papers whatsoever, connected with the Land office, and convey them to the seat of Government, if considered safe from the ravages of the enemy, or if not, to such other place or places as may be deemed proper.

Which lies on the table one day, under the rule of the house.

Mr. Rusk called for the report made by the committee to draft a constitutive act to organize the physical force of the country, which was laid on the table on Friday last; and the house sustained the call, and the report being read,

On motion of Mr. Bunton, the convention resolved itself into a committee of the whole upon said report, Mr. Thomas in the chair; and after some time spent therein, the committee rose, and Mr. Thomas reported that the committee of the whole house had had under consideration, the report of the committee appointed to draft a constitutive act, to organize the physical force of the country, had instructed him to report progress and ask leave to set again.

On motion of Mr. Thomas, the report was received.

On motion of Mr. Mottley,

*Resolved*, That a committee of three be appointed to examine the subject in relation to the Mexican prisoners, and report to this house the best course to be adopted in regard to their future disposition, and that they have power to retain said prisoners.

On motion of Mr. Thomas the resolution was laid on the table.

Mr. Rusk introduced the following preamble and resolution:

Whereas information having reached this convention of the embodying of a large force of Indians, above the San Antonio road,

Be it resolved by this convention, that Captain Black and Captain Bennett, be authorized to raise a company of volunteers, not to exceed fifty men, and proceed forthwith to the place specified, to disperse them, and after so doing, proceed to Bexar.

*Resolved*, further, that said captains Black and Bennett, be authorized to press provisions, if not to be obtained otherwise, and draw upon the future government of Texas for the reasonable expenses of said expedition.

And the question being taken thereon, it was decided in the affirmative.

The President laid before the convention the petition of J. G. Robertson, praying to be discharged from imprisonment.

On motion of Mr. Rusk, the petition was laid on the table.

On motion of Mr. Pennington.

*Resolved*, That the late Governor Smith, the late Lieutenant Governor Robertson, and the late Council, be required to lay before this house the names of all the officers of the regular army, appointed by the council of the provisional government, giving information as far as possible when they were appointed, where they are located, and upon what duty, if any, and their grade, together with all other officers appointed in the ranging corps.

*Resolved*, That a committee of two be appointed to wait on the late Governor Smith, the late Lieutenant Governor Robertson, and the late Council, with copies of this resolution, and request them to furnish said information.

And the question being taken thereon, it was decided in affirmative.

Whereupon, the president appointed Messrs. Pennington and Badgett, said committee.

On motion of Mr. Hardeman,

*Resolved*, That all subjects not directly connected with the constitution of this republic, lay on the table until that instrument be adopted by this convention. Which, on motion of Mr. Collinsworth, was laid on the table.

On motion of Mr. Parmer,

*Resolved*, That all commissioned officers in the regular army, who have not the number of men required by law, under their command, or who are not in the field, shall be subject to draft the same as private citizens.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Parmer,

The convention adjourned till to-morrow morning, nine o'clock.

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WEDNESDAY, MARCH 9, 1836.

The Convention met pursuant to adjournment.

Mr. Parmer, chairman of the committee appointed to draft a constitution, made the following report:

We, the people of Texas, in order to form a government, establish justice, ensure domestic tranquility, provide for the common defence and general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the republic of Texas.

## ARTICLE I.

SECTION 1. The powers of this government shall be divided into legislative, executive and judicial. All legislative power herein granted, shall be vested in a senate and house of representatives, which shall be styled the congress of the republic of Texas.

SEC. 2. The members of the house of representatives shall be chosen every year, on the first Monday of October, by the qualified electors, and shall serve for the term of one year from the day of the commencement of the general election.

SEC. 3. No person shall be a representative unless he be a citizen of the republic, and an inhabitant of the county, district or municipality for which he shall be chosen, and shall have obtained the age of twenty-one years.

SEC. 4. The general congress shall, at their first session, and every three years thereafter, until the year eighteen hundred and fifty, then every six years, cause an enumeration to be made of the inhabitants of the republic. At the first session, after making such enumeration, the number of representatives shall be fixed and apportioned among the several counties entitled to separate representation, according to the respective number of citizens, and the said apportionment, when made, shall not be subject to alteration until after the census shall be taken.

SEC. 5. The house of representatives shall not consist of less than twenty-four, nor more than forty members, until the population amounts to more than one hundred thousand, (100,000.) after that, the whole number of representatives shall never be less than forty members, nor more than one hundred; *Provided, however,* That each county shall be entitled to one representative.

SEC. 6. The house of representatives shall choose their own speaker and other officers; and shall have the sole power of impeachment.

SEC. 7. The senators shall be chosen by districts, as nearly equal in number of white inhabitants as may be; each district shall be entitled to one representative and no more; *Provided,* That the number of senators shall never be less than one-third, nor more than one-half, of the whole number of representatives.

SEC. 8. Senators shall be chosen for the term of three years, and shall reside in the district for which they were elected; and shall have attained the age of thirty years.

SEC. 9. At the first session of congress, after the adoption of the constitution, the senators shall be divided, by lot, into three classes as equal as may be. The seats of the senators of the first class shall be vacated at the end of the first year, of the second at the end of the second year, of the third class at the end of the third year, so that one-third shall be chosen every year.

SEC. 10. The vice president of the republic shall be president of the senate, but shall not vote unless they be equally divided.

SEC. 11. The senate shall choose their other officers, and their president pro tempore, in the absence of the vice president, or when he exercises the office of president; shall have the sole power of impeachments; when sitting for that purpose shall be under oath, and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 12. Indictment, in cases of impeachment, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this government. But the party convicted shall be liable to indictment, trial, judgment and punishment, according to law.

SEC. 13. Each house shall be the judge of the elections, qualifications, and returns of its own members. Two thirds of each

house shall constitute a quorum to do business, but a smaller, shall adjourn from day to day, and may compel the attendance of absent members.

SEC. 14. Each house may determine the rules of its own proceedings, punish its members for disorderly behavior, and with the concurrence of two thirds, may expel a member, but not a second time for the same offence.

SEC. 15. Senators and representatives shall receive a compensation for their services, to be ascertained by law; but no increase of compensation shall take effect during the session at which such increase shall have been made. They shall, in all cases, except treason, felony, and breach of peace, be privileged from arrest during the session of congress, or in going to or returning home from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 16. Each house may punish by impeachment during their session, any person, not a member, who shall be guilty of any disrespect to the house, by any disorderly conduct in their presence.

SEC. 17. Each house shall keep a journal of their proceedings, and publish the same, except such parts as, in their judgment, require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered upon the journals.

SEC. 18. Neither house, without the consent of the other, shall adjourn, for more than three days, nor to any other place than that in which the two houses may be setting.

SEC. 19. When vacancies happen in either house, the executive shall issue writs of election to fill such vacancies.

SEC. 20. No bill shall become a law until, on three several days it be read in each house, unless in cases of immergency, two-thirds of the house where the bill shall be depending, may deem it expedient to dispence with the rule.

SEC. 21. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

SEC. 22. The style of the laws of this republic shall be, "Be it enacted by the republic of Texas, in general congress assembled."

SEC. 23. No person holding any office under this government, to which any emolument is attached, shall be a member of either house during his continuance in office. Nor shall any senator or representative receive an appointment to any office, which was created, or emoluments increased during the time for which he was elected.

SEC. 24. No collector or holder of public monies shall have a seat in either house of the congress, until he has accounted for, and paid over to the treasurer, all sums for which he may be liable.

SEC. 25. Any member of either house may dispute and protest any act or resolve, and have his reasons entered on the journal.

SEC. 26. No money shall be drawn from the public treasury but in consequence of appropriations made by law. And no appropriations for local or private purposes shall be made, except by the concurrence of two thirds of the members of each house.

SEC. 27. Every bill which shall have passed both houses of congress, shall, before it becomes a law, be presented to the president of the republic of Texas; if he approve he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, who shall enter the objections at large on the journals, and proceed to reconsider it. If two thirds of both houses approve of the purpose of the bill on a reconsideration, it shall become a law; but the votes of both houses shall be taken by yeas and nays and entered on the journals of each respectively. If a bill shall not be returned by the president within five days (Sunday excepted) after it shall be presented to him, the same shall be a law in like manner as if he had signed it, unless adjournment of congress prevents its return.

SEC. 28. Every order, resolution or vote, to which the concurrence of both houses may be necessary, (except on a question of adjournment,) shall be presented to the president, and before they take effect shall be approved by him, or being disapproved, shall be passed by two-thirds of the senate and house of representatives.

## ARTICLE II.

SEC. 1. Congress shall have power to levy and collect taxes, duties, impost and excises; to borrow money on the credit of the republic of Texas, to pay the debts and provide for the common defence and general welfare of the country.

SEC. 2. To regulate commerce with foreign nations and with the Indian tribes. To coin money, regulate the value thereof and of foreign coin. To fix the standard of weights and measures; but shall not make anything but gold and silver a lawful tender in payment of debts.

SEC. 3. To establish post offices and post roads.

SEC. 4. To declare war, to grant letters of marque and reprisal, and make rules concerning captures on land and water.

SEC. 5. To provide and maintain a navy, to raise and support armies, and to make rules for the government and regulation of the land and naval forces.

SEC. 6. To provide for calling forth the militia to execute the laws of the republic, suppress insurrection and repel invasion.

SEC. 7. To make all laws which shall be necessary and proper for calling into execution the foregoing powers, and all other powers vested by this constitution in the government of the republic of Texas, or in any department or officer thereof.

ARTICLE III.

SEC. 1. The supreme executive of this republic shall be styled the president of the republic of Texas.

SEC. 2. The president shall be elected for the term of three years, by the qualified voters of members to congress, and at the same time and place designated for electing senators and representatives. The person having a majority of all the votes given, shall be president. If no person have a majority of all the votes given, then the house of representatives shall immediately choose, vive voce, one of the two who have received the highest number of votes, who shall be the president.

SEC. 3. The returns of every election for president shall be sealed up, and transmitted to the seat of government by the returning officers, or holders of elections, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each of the houses of congress.

SEC. 4. He shall be thirty-five years of age and a citizen of this republic at the time of the adoption of this constitution, or shall have been an inhabitant of this republic at least three years preceding his election.

SEC. 5. He shall commence the execution of his office on the second Monday in November next after his election, and continue in the execution thereof until his successor shall have taken the oath prescribed by this constitution.

SEC. 6. The president, at stated times, shall receive for his services a compensation, which shall be neither increased nor diminished during the term for which he shall be elected. Before he enters on the duties of his office, he shall take the following oath:

SEC. 7. He shall be commander-in-chief of the army and navy of this republic, and the militia thereof, but he shall not command personally in the field, unless he shall be advised so to do by a resolution of the general congress. And he shall have power to remit fines and forfeitures, to grant reprieves and pardons for offences against the republic of Texas, except in cases of impeachment.

SEC. 8. He shall have the power, by and with the advice and consent of the senate, to make treaties: *Provided*, Two-thirds of the senators present concur. And he shall, by and with the advice and consent of the senate, appoint ministers and consuls, and all officers whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for.

SEC. 9. The president shall have power to fill all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of the next session.

SEC. 10. He shall, from time to time, give congress information of the state of the republic, and recommend to their consideration such measures as he shall judge necessary. He may, on extraordinary occasions, convene both houses of congress, or either of them. In case of disagreement between them as to the time of adjournment, he may adjourn them, to such time as he may think proper. He shall receive all public ministers; he shall see that the laws be faithfully executed, and shall commission all the officers of the republic.

SEC. 11. There shall be a seal of the republic, which shall be kept by the president and used by him officially, and shall be called the great seal of the republic of Texas.

SEC. 12. All grants and commissions shall be in the name and by the authority of the republic of Texas, be sealed with the seal and signed by the president.

SEC. 13. A secretary of the republic shall be appointed and commissioned during the term of four years, he shall keep a fair register of all the official acts and proceedings of the president, and shall, when required, lay the same and all other papers, minutes, and vouchers relative thereto, before the general congress, and shall perform such other duties as shall be enjoined on him by law.

#### ARTICLE IV.

SEC. 1. Every free white male citizen of the age of twenty-one years and upwards, and being an inhabitant of the county or district, shall be entitled to vote for member of the general congress for the county or district in which he may reside.

SEC. 2. All elections shall be by ballot.

SEC. 3. All elections by joint vote of both houses of congress shall be vive voce, and each vote entered on the journals.

SEC. 4. A vice president shall be chosen at every election for president, in the same manner, continue in office the time, and possess the same qualifications. In voting for president and vice president, the electors shall distinguish whom they vote for as president and whom as vice president.

SEC. 5. In case of impeachment, removal from office, death or resignation, or absence from the republic of the president, the vice president shall exercise all the powers appertaining to the office of president until another be duly qualified, or the president absent, or impeached, shall return, or be acquitted.

SEC. 6. The president, vice president, and all civil officers of the republic, shall be removed from office on impeachment, and for conviction of treason, bribery, and other high crimes and misdemeanors.

JUDICIARY—ARTICLE V.

SEC. 1. The judicial power of the republic of Texas shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time ordain and establish.

SEC. 2. The judges of the supreme and inferior courts shall hold their offices for four years, eligible to a re-election; and shall, at stated periods, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 3. They shall have exclusive admiralty and maritime jurisdiction, and original jurisdiction in all civil cases where the matter in controversy amounts to one hundred dollars.

SEC. 4. The judges, by virtue of their offices, shall be conservators of the peace throughout the republic. The style of all process shall be "the Republic of Texas;" all prosecutions shall be carried on in the name, and by the authority, of the republic of Texas, and conclude, "against the peace and dignity of the republic of Texas."

SEC. 5. There shall be a district attorney appointed for each district; their duties, salaries, perquisites and term of service, shall be fixed by law.

SEC. 6. There shall be in each county, a county court, and such justices' courts as the congress may establish.

SEC. 7. The republic shall be divided into convenient counties, but no new county shall be established containing a less quantity than six hundred and twenty-five square miles, nor except on the petition of one hundred free male inhabitants, within the limits or bounds of such new county, prayed to be laid off.

SEC. 8. There shall be appointed, for each county, a convenient number of justices of the peace, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years; to be elected by the qualified voters of the district or county, as congress may direct. Justices of the peace and sheriffs shall be commissioned by the president.

SEC. 9. All proceedings in courts of justice shall be in conformity to the common law, as is applicable to the situation of the republic, and not inconsistent with this constitution, shall be the common law of the land, but no penalty shall be inflicted under said law, except fine and imprisonment; but congress may, from time to time, alter or abolish such portions of said common law as they may think proper.

SEC. 10. Every person who shall be chosen, or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the constitution and also an oath of office.

SEC. 11. That each member of the senate and house of representatives shall, before they proceed to business, take an oath to

support the constitution, and also the following oath: I, A. B. do solemnly swear that as a member of this general congress I will, in all cases, vote without favor, affection, partiality or prejudice, and that I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people.

## ARTICLE VI.

SEC. 1. No minister of the gospel, priest or ecclesiastic shall hold any office in the republic.

SEC. 2. The clerks of the district and supreme courts shall be appointed by the judges of the respective courts.

SEC. 3. The judges may be removed from office by the president, on a concurrent vote of both houses; two-thirds of each house must concur in such vote, and the causes of such removal shall be entered on the journals of each house. The judge, against whom the congress may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least thirty days before the day on which either house of the general congress shall sit thereupon.

SEC. 4. The judges of the district and supreme courts, and the district attorneys, shall be at least twenty-five years of age, and shall be learned in the law.

SEC. 5. The supreme court shall consist of a chief justice and associate judges. The district judges shall compose the associate judges, a majority of which, with the chief justice, shall constitute a quorum.

SEC. 6. The supreme court shall have appellate jurisdiction only, which shall be co-extensive with the limits of the republic, and shall hold its session annually, at such time and place as may be fixed by law.

SEC. 7. The judges of the supreme and district courts shall be elected by joint ballot of both houses of congress.

SEC. 8. The republic of Texas shall be divided into convenient judicial districts, not less than three, nor more than eight; there shall be appointed for each district a judge, who shall reside in the same, and hold his term at such times and places as congress may direct.

SEC. 9. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district court shall have exclusive original jurisdiction.

SCHEDULE.

SEC. 1. That no inconvenience may arise from the adoption of this constitution, it is declared by this convention, that all laws now in force in Texas, and not inconsistent with this constitution, shall remain in full force, until declared void, repealed, altered, or expire by their own limitation.

SEC. 2. All fines, penalties, forfeitures and escheats which have heretofore accrued to Coahuila and Texas, shall accrue to the republic.

SEC. 3. Every male citizen, who is by this constitution a citizen and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust or profit under the republic, anything in this constitution to the contrary notwithstanding.

SEC. 4. The first president and vice president who shall be appointed after the adoption of this constitution, shall be chosen by this convention, who shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified as prescribed in article — and section — of this constitution, who shall have the same qualifications, invested with the same powers, and perform the same duties, which is required of and conferred on the executive head of the republic by this constitution.

SEC. 5. The president shall issue writs of election, directed to the officers authorized to hold elections in the several counties, requiring them to cause an election to be held for president, vice president, representatives and senators to congress, at the time and mode prescribed by this constitution; which election shall be conducted in the manner that elections have been heretofore conducted. The president, vice president, and members of congress, when duly elected, shall continue to discharge the duties of their respective offices for the term and in the manner prescribed by this constitution, until their successors shall be duly qualified.

SEC. 6. Until the first enumeration shall be made as directed by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria, two representatives; the precinct of Bexar, two representatives; the precinct of Colorado, one representative; Sabine, one; Gonzales, one; Goliad, one; Harrisburg, one; Jasper, one; Jefferson, one; Liberty, one; Matagorda, one; Mina, two; Nacogdoches, two; Red River, three; Victoria one; San Augustine, two; Shelby, two; Refugio, one; San Patricio, one; Washington two; Milam one and Jackson one representative.

SEC. 7. Until the first enumeration shall be made as prescribed by the constitution, the senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one

senator; San Patricio, Refugio and Goliad one; Brazoria, one; Mina and Gonzales, one; Nacogdoches, one; Red River, one; Shelby and Sabine, one; Washington, one; Matagorda, Jackson and Victoria, one; Austin and Colorado, one; San Augustine, one; Milam, one; Jasper and Jefferson, one; Liberty and Harrisburg one senator.

SEC. 8. All judges, sheriffs, commissaries and other civil officers, shall remain in office and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the constitution.

The declaration of rights hereunto annexed, is declared to be a part of the constitution of the republic, and shall never be violated on any pretence whatever. And in order to guard against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right, not hereby delegated, are reserved to the people.

#### DECLARATION OF RIGHTS.

SEC. 1. That all men, when they form a social compact, are equal in rights; and that no man or set of men, are entitled to **exclusive public privileges** or emoluments from the community.

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an undeniable right to alter their form of government in such manner as they may think expedient.

SEC. 3. No preference shall be given by law to any christian sect or mode of worship, and every person shall be permitted to worship Almighty God according to the dictates of his own conscience.

SEC. 4. Every citizen may freely speak, write and publish his own sentiments on all subjects, being responsible for the abuse of the same.

SEC. 5. No law shall ever be passed to curtail the liberty of speech or the press. In all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the fact, under the direction of the court.

SEC. 6. The people shall be secure in their person, houses, papers and possessions, from any unreasonable search or seizures; and no warrant to search any place or to seize on any person or things, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 7. In all criminal prosecutions the accused shall be heard by himself and counsel; to demand the nature of the cause of the ac-

cusation; to be confronted by the witnesses against him; to have compulsory process to obtain witnesses in his favor. And in all prosecutions by presentment or indictment, a speedy public trial by an impartial jury. He shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, but by due course of law. And no free man shall be holden to answer for any criminal charge but by presentment, indictment or by a grand jury, except in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or in case of impeachment.

SEC. 8. No citizen shall be taken, or imprisoned, or dispossessed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner disfranchised, or deprived of his life, liberty or property, but by the law of the land.

SEC. 9. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this republic. No person holding any office of trust or profit, shall without the consent of congress, receive from any foreign state any present, office or emoluments of any kind.

SEC. 10. No person for the same offence shall be twice put in jeopardy of life or limb. And the right of trial by jury shall remain inviolate.

SEC. 11. All persons shall be bailable by sufficient sureties, unless for capital crimes, when the proof is evident or the presumption strong; and the privilege of the writ of habeas corpus, shall not be suspended except in cases of rebellion or invasion, the public safety may require it.

SEC. 12. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishments inflicted. All courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 13. The person of a debtor, when there is not strong presumption of fraud, shall not be imprisoned, after delivering up his estate for the benefit of his creditor or creditors, in such manner as may be prescribed by law. No person shall be imprisoned for debt in consequence of inability to pay.

SEC. 14. No person's particular services shall be demanded nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

SEC. 15. Every citizen shall have the right to bear arms in defence of himself and the republic.

SEC. 16. The military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 17. The sure and certain defence of a free people is a well regulated militia; and it shall be the duty of the legislature

to enact such laws as may be necessary to the organization of this republic.

SEC. 18. Treason against the republic, shall consist only in levying war against it, or adhering to its enemies, giving them aid and support.

SEC. 19. No retrospective, or expose facto law, or law impairing the obligations of contract shall be made.

SEC. 20. Perpetuities and monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or of entailments be ever in force in this republic.

### GENERAL PROVISIONS.

SEC. 1. The republic of Texas shall include all the country formally known as the province of Texas; but the people reserve to themselves exclusively the right of hereafter settling the limits and boundaries of the same.

SEC. 2. All lands liable to taxation shall be classed into first, second and third class, divided into first, second and third quality, and shall be taxed according to their several qualities.

SEC. 3. Laws shall be made to exclude from office, suffrage and from serving on juries, those who shall hereafter be convicted of bribery, perjury, forgery or other high crimes and misdemeanors.

SEC. 4. Returns of all elections for officers who are to be commissioned by the president, and for members of the general congress, shall be made to the secretary of the republic.

SEC. 5. The president and heads of departments shall keep their offices at the seat of government, unless removed by the permission of congress.

SEC. 6. The president shall make use of his private seal until a seal of the republic shall be provided.

SEC. 7. It shall be the duty of congress, as soon as circumstances will permit, to provide by law a general system of education.

SEC. 8. All free white persons who shall emigrate to this republic, who shall, after a residence of six months, make oath before some competent authority, that he intends to reside permanently in the same, and shall swear to support this constitution, and that he will bear true allegiance to the republic of Texas, shall be entitled to all the privileges of citizenship.

SEC. 9. So soon as convenience will permit, there shall be formed a penal code, on principles of reformation and not of vindictive justice; and the civil and criminal laws shall be revised, digested and arraigned under different heads. The laws relating to land titles shall be translated, revised and promulgated.

SEC. 10. All persons who shall leave the country for the purpose of avoiding a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all right of citizenship, and such lands as they may hold in this republic.

SEC. 11. There shall be a tribunal established by law, from whose decision there shall be no appeal, for the adjudication of all land titles within the republic; but no claim shall be confirmed by said tribunal until Congress shall have passed on the same; nor shall congress act on any claim or grant which originated previous to the adoption of this constitution, before the same shall be recommended by said tribunal for confirmation.

SEC. 12. So soon as practicable there shall be established a land office, under such regulations as congress may direct; provided, however, that all those who are entitled to lands under this constitution shall have a preference over all others.

The public lands being the only resource and wealth of the republic, congress shall have no power to give or grant them away, except for a price to be fixed by law. Actual settlers shall have a preference of purchase at the minimum price, so as to include his improvement, on such terms as may be regulated by law; provided, however, that nothing herein contained will prevent congress providing for the army during the present struggle.

SEC. 13. All persons (slaves and Indians excepted) residing in Texas on the day of the declaration of independence, shall be considered as citizens of the republic, and entitled to all the privileges as such. Every man of a family, being a citizen, shall have confirmed to him a league and a labor of land; and every single man of twenty-one years of age and upward, and such volunteers as may serve faithfully for the term of six months, being citizens, shall have confirmed to him one third of a league of land. And all citizens now actually settled on lands, shall be privileged to include their improvements in their location, over all other claims whatever, except those settlers who have obtained possession of their settlements by lease or rent; and the citizens aforesaid, shall not be required to reside on the lands so confirmed to them, but shall have their boundaries plainly marked.

SEC. 14. All lands within the limits of this republic, which are vacant or not held agreeably to law, shall belong to and constitute a fund for the use of the republic; provided, however, that nothing herein contained shall be so construed so as to prejudice the rights of citizens provided for in this constitution.

SEC. 15. Whereas, it is believed by this convention that great frauds have been committed in obtaining grants for lands and orders for surveys in Texas, do hereby declare all sales of lands made by the legislature of Coahuila and Texas, and located in Texas, and all lands, the locations of which are unauthorized by law;

and all grants, the conditions whereof have not been complied with; and all grants or titles issued in violation of the laws of the consultation; and all titles that may be hereafter issued unless under the authority of this constitution; and all grants that may have been antedated, shall be null and void. Provided there be nothing herein contained to prejudice the grants of lands obtained under the colonization law.

SEC. 16. Where an actual settler on lands hath obtained an order of survey from a commissioner lawfully authorized to act as such; the survey already actually made shall be valid, provided it does not interfere with any other actual settler.

### SLAVES.

SEC. 1. All persons of color who were slaves for life, previous to their emigration to Texas, and who are now held as bonded servants or otherwise, shall remain in the like state of servitude in which they would have been held in the country from which they came; provided the person or slave be the bona fide property of the person holding the same, either by purchase or otherwise. Congress shall pass no law to prohibit emigrants from the United States of America, from bringing their slaves with them, and holding them on the same terms and by the same tenure as they were held in the country from which they were brought. Congress shall have no power to pass laws for the emancipation of slaves; nor shall any person holding slaves be permitted to emancipate them, unless he remove them beyond the limits of this republic; unless, in case of meritorious conduct on the part of the slave, and by the consent of the legislature first had and obtained.

No free person of African descent shall be permitted to emigrate and reside in this republic, unless by special act of congress, which must specify the person by name.

Congress may by legislative acts compel the owners of slaves to treat them with humanity, and provide them with sufficient food, and clothing; and may prevent their introduction as merchandise, or from any other country except that of the United States of America.

SEC. 2. In the prosecution of slaves for crimes, no inquest of a grand jury shall be necessary, but the proceedings thereof shall be regulated by law, except in capital cases; the general congress shall have no power to deprive them of a trial by jury.

Any amendment or amendments to this constitution, may be proposed in either house of congress, and if the same be agreed to by a majority of the members of each house, such proposed amendment or amendments shall be entered on the journals with the yeas and nays taken thereon; and it shall be published at least

three months previous to the election for members to said congress; and if in congress next chosen as aforesaid, such amendment or amendments shall be agreed to by two thirds of all the members elected to each house, then it shall be the duty of the congress to submit such proposed amendment or amendments to the people, in such manner and at such time as congress may prescribe; and if a majority of the qualified voters for members to congress, shall ratify the same, such amendment or amendments shall become a part of this constitution; provided, however, that amendment or amendments be not submitted more than once in three years.

On motion of Mr. Parmer, the report was received.

On motion of Mr. Everett,

The Convention resolved itself into a committee of the whole upon the report, Mr. Everett in the chair; and after some time spent therein,

On motion of Mr. Roberts,

The committee rose, and Mr. Everett reported that the committee of the whole house had had under consideration the report of the committee, appointed to draft a constitution, and instructed him to report progress and ask leave to sit again.

On motion of Mr. Thomas,

The Convention adjourned till two o'clock, p. m.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Thomas,

The Convention resolved itself into a committee of the whole house upon the report of the committee to draft a constitution, Mr. Thomas in the chair, and after some time spent therein,

On motion of Mr. Rusk,

The committee rose, and Mr. Thomas reported that the committee of the whole, had had under consideration the report of the committee appointed to draft a constitution, and instructed him to report progress and ask leave to sit again.

On motion of Mr. Thomas, the report was received.

Mr. Collinworth, chairman of the committee on public documents, made the following report:

In regard to the loan contracted by your commissioners in the United States, your committee are of opinion that it is not so advantageous to this government as could have been desired. But when it is considered that the late consultation had declared for the republican principles of the constitution of eighteen hundred and twenty-four, which gave us no distinct national existence; which declaration, however proper at the time, tended very much to abate the enthusiasm felt in our behalf. And when it is further considered, that this fact alone rendered any security on Texas

extremely precarious, and that too, at a time when our national existence depended upon the immediate reception of money, provisions and arms, to carry on the war, your committee are satisfied that the loans submitted were the best that could have been made under the circumstances.

Add to this the great importance of at all times preserving good faith as a nation, your committee are of opinion that it is due to your commissioners, and to yourselves, that the loans should be unhesitatingly ratified.

Your committee having also had under consideration the treaty made by your late commissioners, with the small tribes of Indians specified in said treaty, are of opinion that said treaty is probably as favorable as could have been made at the time under all the circumstances, and recommends its ratification.

They have also had under consideration the proposition of John T. Lamar, which proposition is herewith submitted as part of this report, and recommend its adoption.

JAS. COLLINSWORTH, Chairman,

Mr. Childress introduced the following preamble and proviso:

Whereas, the African slave trade being abhorrent to the laws of God and the feelings of all civilized nations, the encouragement of such inhuman traffic shall be made piracy by the laws of the land, and all persons legally convicted, before the legitimate tribunals, of being hereafter engaged in it, either directly by capturing Africans, or purchasing them out of slave ships, or knowingly from those who may have previously bought them, shall suffer the punishment of death, and such captured persons to be disposed of in such manner as may be hereafter prescribed by congress; *Provided*, That this article shall not be construed to prohibit emigrants from bringing their slaves into the country, and that no free people of color shall ever be admitted to reside in the republic after the ratification of this constitution.

On motion of Mr. Rusk,

The resolution was referred to the committee to draft the constitution.

On motion of Mr. Menifee,

The Convention adjourned till to-morrow morning at nine o'clock.

THURSDAY, MARCH 10, 1836.

The Convention met pursuant to adjournment.

On motion of Mr. Rusk,

*Resolved*, That the late Governor Henry Smith, the late Lieutenant Governor Robertson, the late Council, the late Treasurer, the late Auditor and Comptroller of public accounts, be requested to deliver to the house, all the books, papers, journals, correspondence, contracts, orders, laws, and all other papers connected with or relating to their several offices.

*Resolved*, That the secretary of the house make out, and hand forthwith, to each of the before mentioned individuals, each a copy of this resolution, and request of them the books and papers referred to.

And the question being taken thereon, it was decided in the affirmative.

Mr. Gains, chairman of the committee appointed to examine and report upon the subject of the future disposition of the Mexican prisoners, made the following report:

That all commissioned officers and chaplains in the Mexican army, who are now or may be taken prisoners, shall be held in close confinement, and shall be responsible to pay for their support; they shall be from time to time subject to be exchanged according to the usages of war, or as this government may hereafter think proper.

All non-commissioned officers and privates shall be distributed amongst the inhabitants of Texas, under such rules as this government may adopt, always being subject to be exchanged and dealt with according to the rules of war; that the said prisoners shall be compelled to do bodily labor for their support, and that said inhabitants will be compelled to treat said prisoners as Mexican hired servants.

Should any of said prisoners desert, they shall be tried by a court martial and punished accordingly.

On motion of Mr. Gains, the report was received.

Mr. Hardeman called for the resolution laid on the table, proposing to lay all subject matter on the table, not connected with the constitution, until the adoption of that instrument, and the house sustained the call.

Whereupon, Mr. Rusk offered the following amendment: "Unless taken up by two thirds of the house, without debate," which was accepted by the introducer of the resolution.

And the question being taken on the adoption of the resolution with the amendment, it was decided in the affirmative.

The president laid before the Convention, the letter of Mr. G. B. Franks; and

On motion of Mr. Childress, the same was referred to the committee on military affairs.

On motion of Mr. Potter,

*Resolved,* That all persons (slaves and Indians excepted) residing in Texas, on the day of the declaration of independence, shall be considered as citizens of the republic, and entitled to all the privileges as such. The citizens of Texas shall be entitled to, and are hereby confirmed in their lands, in the following manner and proportions, viz: every man of family shall be entitled to a league and a labor of land, and every single man, of the age of twenty-one years, shall be entitled to a third of a league of land; which several portions of land, the persons entitled to the same, shall be privileged to locate on any vacant lands; and all citizens now settled in Texas, shall, in the location of their lands, be entitled to include their settlement in preference over all other persons or claims, whatever; except those from whom such settler may have received his settlement, by rent or lease; and it shall not be obligatory on the settler, to live on his land, but he shall have the lines plainly marked.

And, whereas, there is good reason to believe that many fraudulent grants of land, or grants the condition of which have never been complied with, have been located in Texas: therefore,

Be it ordained, that the first congress which shall convene under the constitution, shall establish such tribunals as it in their wisdom may think proper to adjudicate and determine, without the right of appeal or future litigation, the validity of the above mentioned grants; provided, however, that in no case whatsoever, shall any of the above mentioned grants interfere with the actual settler, in the occupancy of the land, or being a citizen of Texas, may rightfully claim it as his head right, under this constitution, or the colonization laws of the Mexican government.

Provided, that nothing herein contained, shall deprive any citizen of Texas of rights already vested by the laws of the land. It shall be the duty of congress to provide for the volunteers who have so faithfully served Texas in the field, or who may hereafter serve against the enemy, by setting apart so much of the most valuable portions of the public lands, as will answer that purpose. In the event of the death, without will, of any person entitled to land under the constitution, or the colonization laws of Mexico, his children, or next of kin, shall inherit his land, each and every person holding or claiming land in Texas, either in their own name or by agent, within six months from the date of the declaration of independence, become citizens of this republic; and reside during the war, within the limits of Texas, unless absent on public business, or on leave according to law; and in every case of failure to comply with this requirement, the individual so failing shall forfeit to the republic all interest, right and title, in and to,

all lands within the limits of Texas, whether claimed or owned in their own name, or by agent; nor shall any alien ever hold land within the limits of Texas, whether claimed or owned in their own name, or by agent.

On motion of Mr. Menifee, the preamble and proviso was laid on the table.

Mr. Bunton, chairman of the committee appointed to inquire into, and report upon, the condition of the army, number of officers, and privates, &c., made the following report:

Your committee, to whom was referred the present situation of the army, and the quantity of public stores, and munitions of war, now on hand, and where deposited, report, that under present circumstances, your committee cannot obtain the requisite information to enable them to make a report correct, in all its details, they therefore submit the following, for the information of the house, viz:

The number of officers now in commission are as follows:

One Major General; one Adjutant General; and the appointment of the other officers of the staff of the Major General, to-wit: one Inspector General; one Quarter Master General; one Pay Master General; one Surgeon General, and four Aid-de-Camps; we cannot ascertain.

The officers of the regular army consist of

INFANTRY—One Colonel; one Lieutenant Colonel; one Major; Captains, ten in number; first Lieutenants, ten; second Lieutenants, ten.

ARTILLERY.—One Colonel; one first Lieutenant Colonel; one second Lieutenant Colonel; one Major; one second Major; Captains, ten; first Lieutenants, ten; second Lieutenants, ten; third Lieutenants, nine.

CAVALRY.—One Lieutenant Colonel; one Major; Captains, six; first Lieutenants, six; second Lieutenants, six; Cornets, six.

RANGERS.—One Major; three Captains; three first Lieutenants, and three second Lieutenants.

VOLUNTEER OFFICERS.—One Colonel; one Lieutenant Colonel; and one Major; two Captains; one first and one second Lieutenants.

Your committee will observe, that from the returns herewith submitted, they find that one individual holds the rank of colonel in the artillery, and also colonel in the volunteer service.

Of the regular army, there appears to be sixty privates; thirty infantry are stationed at Goliad, and thirty cavalry at the fortress of Bexar.

Of the volunteer army, there are 390 at Goliad, commanded by Colonels Fannin and Ward, and Major Mitchell; and 130 at Bexar, under the command of Lieutenant Colonel Travis.

The officers of the Navy are, one Captain; one first Lieutenant; one second Lieutenant, one Third Lieutenant.

Marine service, one first Lieutenant; one second Lieutenant; Surgeons, one.

Making in all one hundred and twenty-eight commissioned officers, exclusive of the third one commission of the same individual.

Your committee have also learned, (though not officially,) that Captain Turner has arrived, on board the Tamaulipas, with a company of fifty-six men; and that Captain Teal has now under his command forty regular troops.

Statement of the leading articles of provisions belonging to government, and deposited at the following places, to wit:

Brazoria or Velasco—16,579 pounds of bacon; 154 barrels of flour; 207 bushels of corn.

Matagorda.—389 barrels of flour; 50 do. pease; 25 sacks coffee; 18 barrels sugar; 20 do. vinegar; 35 boxes soap; 11 do. tobacco; 40 barrels beans; 2 tierces rice; 1 barrel brandy; 1 do. port wine; 15 do. bread.

Munitions of war.

Velasco or Brazoria.—2000 pounds of lead; 60 bags musket balls; 154 kegs powder.

Velasco.—100 carbines; 75 sabres; 50 pair pistols; 440 muskets; 200 cartridge boxes with belts.

Clothing.—Brazoria or Velasco.—200 pair of blankets; 366 jackets; 366 pantaloons; 570 pair of socks; 62 shirts.

There are also many smaller articles at each place, the particulars of which will be seen by reference to the accompanying invoices, and a quantity of ordnance and munitions at Bexar, as per report No. 1.

J. W. BUNTON, Ch'n. of Com.

On motion of Mr. Bunton, the report was received and agreed to.

On motion of Mr. Zavala,

*Resolved*, That an interpreter shall be appointed by this convention, charged with the duty of translating the constitution and laws of this government into the Spanish language; which was laid on the table under the rule of the house.

On motion of Mr. Bunton, the committee appointed to inquire into and report upon the condition of the army, number of officers and privates, was discharged from further consideration of the subject.

Mr. Gains moved to reconsider the resolution commissioning Messrs. Black and Burnett captains, to raise a company of volunteers to disperse the Indians, supposed to be embodied near the San Antonio road.

And the question being taken thereon, it was decided in the affirmative.

Mr. Gains moved that the resolution be recorded. And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Everett,

*Resolved*, That a committee of five be appointed to act as a standing committee of finance; which was laid one day on the table under the rule of the house.

Messrs. Badgett and Penington, a special committee appointed to wait upon the late Governor Smith, the late Lieutenant Governor Robertson, and Council, ask for certain papers and information, made the following report:

Your committee, who was appointed to wait on the late Governor Smith, Lieutenant Governor Robertson and Council, beg leave to report the following:

Governor Smith states that he is unable to furnish the required information, as his archives are in his office at San Philip. Lieutenant Governor Roberson refuses to report to your committee as Lieutenant Governor. The Council furnished the following information.

J. B. BADGETT, and  
S. O. PENINGTON.

List of officers of the regular army, appointed by the general council.

INFANTRY.—Edward Burleson, Colonel; Henry Millard, Lt. Colonel; Wm. Oldham, Major.

Captains—James Collinsworth, Andrew Briscoe, James Tarleton, Amasa Turner, Henry Teal, R. M. Coleman, George F. Richardson, John M. Allen, John F. Martin, John Bird.

First Lieutenants—James W. Tinsley, V. Bennet, J. W. Shepard, Wm. A. Smith, George English, Jabez Fitch, John Bonman, Franklin Hardin, F. W. Thornton, Wm. S. Stilwell.

Second Lieutenants—Milton Hardin, Jefferson Allcorn, ——— McCloskey, D. L. Kokernott, Henry Fisher, Leonard H. Mabbitt, Benjamin F. Saunders, Wm. E. Hooth, Martin K. Snell, Wm. E. Miller.

ARTILLERY.—James W. Fannin, Jr., Colonel; James C. Neil, first Lieut. Colonel; David B. Macomb, second Lieut. Colonel; F. W. Johnson, first Major; T. F. L. Parrott, second Major.

Captains.—Ira Westover, Samuel Williams, I. N. Moreland, Peter J. Menard, Geo. W. Poe, James H. Blunt, B. C. Wallace, James S. Lester, Joseph Bonnel, Robert L. Morris.

First Lieutenants.—John D. McAllister, Almerion Dickinson, John Henry, John Chaffin, Lucius W. Gates, A. H. Jones, Thomas H. McIntire, Samuel G. Hanks, Francis White, Prior Bryan.

Second Lieutenants.—Joseph Cady, Robert H. Foot, C. R. Sharp, Alexander Farmer, Ashmore Edwards, Thomas J. Stansbury, Monroe Edwards, Dugald McFarlane, E. B. W. Fitzgerald, William Simmons.

Third Lieutenants. — Wm. C. Wilson, Wm. Eaton, Robert I. Calder, Walter Lambert, John P. Borden, George Scott, Preston Savory, Rob't L. Redding, Bennett McNelly.

CAVALRY.—Wm. B. Travis, Lt. Colonel; Wm. P. Miller, Major. Captains.—Jesus Cuellar, Robert Wilson, John H. Forsyth, B. J. White, Haden Edwards, Wm. G. Hill.

First Lieutenants.—C. K. Simmons, M. W. Smith, Allen Lamson, Wm. M. Eastland, Placido Benavides, Wm. Bracken.

Second Lieutenants.—Joseph E. Scott, Wm. S. Blount, John M. Thurston, Manuel Carbajal, James Drake, I Bevie, Jr.

Cornetts.—E. Y. Barbs, John V. Morton, Prospect McKay, W. O. Llewellyn, John Goodrich, Darwin M. Stapp.

RANGING CORPS.—R. M. Williamson, Major.

Captains. — John J. Tumlinson, Wm. W. Arrington, J. W. Burton.

First Lieutenants.—George M. Petty, Jesse McCoy, Wade Horton.

Sec. Lieutenants.—Joseph W. Rogers, Littleton Tumlinson, Thomas Robbins.

On motion of Mr. Badgett, the report was received.

On motion of Mr. Rusk, the report was referred to the military committee.

On motion of Mr. Conrad, the convention resolved itself into a committee of the whole, upon the report of the committee appointed to report an ordinance to organize the physical force of the country; Mr. Conrad in the chair, and after some time spent therein, on motion of Mr. Rusk, the committee rose, and Mr. Conrad reported that the committee of the whole had had under consideration, the report of the committee appointed to draft an ordinance to organize the physical force of the country, and had instructed him to report the same as amended.

On motion of Mr. Rusk, the rule was dispensed with, and the report of the committee of the whole upon the ordinance, reported by the committee appointed to organize the physical force of the country, was read the second time.

Mr. Parmer moved that the word "sixteen" be stricken out.

And the yeas and nays being called for by Mr. Parmer, and two other members, and was decided in the affirmative.

Yeas 26, Nays 18.

Those who voted in the affirmative, are Mr. President, Messrs. Barnett, of Austin, Barnett, of Washington, Clark, Crawford, Conrad, Everett, Fisher, of Gonzales, Grimes, Goodrich Hardin, Hamilton, Hardeman, Lacy, Legrand, Latimore, Menifee, M'Kinny,

Menard, Parmer, Pennington, Stepp, Smyth, Stewart, Taylor and Waller.

Those who voted in the negative, are Messrs. Blount, Badgett, Brigham, Bowers, Bunton, Coleman, Childress, Gazley, Mottley, Power, Robertson, Rusk, Swisher, Scates, Thomas, Turner, West and Woods.

On motion of Mr. Parmer, the word "seventeen" was inserted in lieu of the word "sixteen."

On motion of Mr. Parmer, Messrs. Willis A. Faris, and John McLeod, were appointed assistant secretaries of the convention.

On motion of Mr. Parmer, the house adjourned till three o'clock, P. M.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

Mr. Samuel P. Carson, from Red River, appeared, produced his credentials and took his seat, and asked and obtained leave to sign the declaration of independence.

On motion of Mr. Conrad,

*Resolved*, That the committee on military affairs be instructed to report the proper manner of furnishing, both the regular and volunteer army of Texas, with a proper number of Surgeons, and a Surgeon General, to the medical department of the army.

Mr. Conrad moved that the rule be dispensed with; and that the resolution be put upon its passage.

And the question being taken thereon, it was decided in the affirmative.

The question then recurring upon the adoption of the resolution, which was decided in the affirmative.

On motion of Mr. Collinsworth, the convention took up the report of the committee of the whole upon the constitution.

On motion of Mr. Parmer, the convention took a recess till half past seven o'clock.

HALF PAST SEVEN O'CLOCK, P. M.

The convention met pursuant to adjournment.

The President laid before the house sundry communications, and,

On motion of Mr. Rusk, the same was referred to the committee upon public documents.

Mr. Carson stated that he had received information of the arrival of the Brutus and Invincible, at the mouth of the river Brazos, destined for the service of the republic of Texas; and that it was important to commission those vessels; he would therefore, move that a select committee on naval affairs be raised, to inquire into and report in relation thereto.

And the question being taken thereon, it was decided in the affirmative.

Mr. Carson asked and obtained leave to be excused from serving on the committee proposed to be raised.

Whereupon the president appointed Messrs. Potter, Everett and Fisher, of Matagorda, said committee.

On motion of Mr. Childress, the house again took up the report of the committee of the whole upon the constitution.

On motion of Mr. Carson, after the words, "divided into," the words "three departments," and shall forever remain separate and distinct, were inserted in article third, section first.

SECTION 22. On motion of Mr. Menifee, after the words "enacted by," the words "the senate and house of representatives of the," were inserted.

SEC. 5. On motion of Mr. Childress, after the words "shall be," the words "not less than," were inserted.

SEC. 6. On motion of Mr. Rusk, the word, "November," was stricken out, and the word "December" inserted.

SEC. 10. On motion of Mr. Rusk, the latter clause was stricken out, and the following inserted, to wit: "And report the same to the senate, within ten days after the next congress may be convened, and if the senate shall reject the same, the president shall not renominate the same person for the same office."

The president presented the resignation of John Adraham Hizer, as door-keeper, which was read and received.

Mr. Potter from the special committee on naval affairs, asked leave to report, which he did.

On motion of Mr. Rusk, the report was referred back to the same committee.

On motion of Mr. Parmer, the house adjourned till to-morrow morning, nine o'clock.

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FRIDAY, MARCH 10, 1836.

The convention met pursuant to adjournment.

The president laid before the house a communication from Mr. Samuel St. John, Jun.

On motion of Mr. Rusk, *Resolved*, by the convention of the people of Texas, that the thanks of this convention, for themselves, and upon the part of the people of Texas, be presented to Mr. Samuel St. John, Jun., for the liberal donation of five thousand dollars, which he has made to our cause, by his letter dated at Mobile, on the 22nd day of February, last.

*Resolved*, That the president of this convention communicate to Mr. St. John, a copy of this resolution, with a suitable acknowledgment to the generous donor.

And the question being taken, it was decided in the affirmative.

Mr. Parmer moved that Mr. A. G. Briscoe, from the municipality

of Harrisburg, be invited to take a seat in this convention, as a delegate from said municipality. And the question being put by the chair, it was decided in the affirmative.

On motion of Mr. Rusk, that the rule of the house to prevent any further business being taken up, until the completion of the constitution, without the concurrence of two-thirds of the house be suspended.

And the motion being taken on suspending the rule, and taking up the ordinance in relation to the militia, and physical force of the country; and the question having been put by the chair, it was unanimously agreed to, and then, on motion of Mr. Rusk, that the same be referred to a select committee of three;

And the question being put by the chair, it was agreed to; whereupon,

The president appointed Messrs. Rusk, Thomas, and Benton, said committee.

On motion of Mr. Carson,

The original Declaration of Independence was produced by the secretary, and signed by James B. Woods and A. Briscoe.

The convention then proceeded to the orders of the day upon the constitution; Mr. Thomas in the chair.

Article 3, sec. 14. On motion of Mr. Carson, strike out the whole of said section, and insert in lieu thereof;

“The president shall have power by and with the advice and consent of the senate, to appoint a secretary of state, and such other heads of executive departments as may be established by law;”

And the question being put by the chair, it was decided in the affirmative.

SEC. 15. On motion of Mr. Gasley, strike out the whole section, and insert in lieu thereof: a division of the question was called for on striking out, and decided in the affirmative.

The question then recurred on inserting, and was decided in the affirmative. “Every citizen of the republic who has attained the age of twenty-one years, and resides at least six months within the district or county where the election is held, shall be entitled to vote for members of the general congress.”

Mr. Parmer moved to strike out “twenty-one;” and the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by the number required by the rule of the convention;

Those who voted in the affirmative are Mr. Barnett of Austin, Bowers, Bunton, Childress, Clark, Crawford, Goodrich, Lacy, Legend, Menifee, Motley, Parmer, Pennington, Robertson, Rusk, Stepp, Twiner, Waller.

SEC. 18. Those who voted in the negative are

Mr. President, Blount, Brigham, Briscoe, Barnett of Washington, Collinsworth, Carson, Conrad, Everett, Fisher of Gonzales, Fisher

of Matagorda, Gasley, Hardin, Hamilton, Hardiman, Latimer, McKinney, Moore, Maverick, Potter, Powers, Roberts, Swisher, Smith, Scates, Thomas, Taylor, West,—28.

Mr. Carson moved the further amendment: "Provided, however, all young men, of the age of eighteen years and upwards, who shall have served faithfully in the present war for independence, shall be entitled to vote in the county in which they reside, for members of the general congress, upon their producing certificates of such faithful service."

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Gasley, the convention adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The convention met pursuant to adjournment.

On motion of Mr. Potter, that John Abram Keiser, door-keeper of the convention, have leave of absence; and that Joshua Canter be appointed to fill the vacancy.

And the question being taken thereon, it was decided in the affirmative.

SEC. 16. On motion of Mr. Barnett, of Washington, that the blank be filled "by ballot;"

And the question being taken thereon, it was decided in the affirmative.

Mr. Potter, chairman of the committee on naval affairs, asked leave to make the following report; and to enable the committee to make their report, he would move that the rules be suspended, for the purpose of enabling the convention to act upon the report.

And the question being taken thereon, it was decided in the affirmative. Whereupon,

The report was read, and on motion of Mr. Potter, it was received and adopted.

The 7th section of the constitution being under consideration, and on motion of Mr. Ellis, the same was stricken out.

The 8th section being under consideration, on motion of Mr. Carson, the same was stricken out.

The 12th section being under consideration, Mr. Briscoe moved to strike out the same;

And the question being taken thereon, it was decided in the negative.

The 13th section being under consideration, Mr. Grimes moved to strike out "six hundred and twenty-five," and insert "nine hundred;"

And the question being taken thereon, it was decided in the affirmative.

The 15th section being under consideration, Mr. Maverick moved to strike out the whole of the section.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Rusk, the rule was so far suspended as to authorize the house to take up the following preamble and resolution.

Whereas, the late provincial government of Texas has ceased from the exercise of its functions, and whereas, the power of extending pardon to persons convicted of crime, was by the late convention, vested in the governor and council, the two co-ordinate branches of that government: and whereas, this convention is expressly vested by the terms of their election, with plenary power, touching the well-being of Texas: and whereas, the power of conferring relief, from the severity and extreme rigor of the law, in peculiar cases, is an important, and sometimes a deeply interesting function of government, which should never be permitted to lapse into nonentity, or which is fully equivalent to revert to the people, the source of all power, who are incapable of the specific exercise of any; therefore, be it, and it is hereby

*Resolved*, That the power of granting pardon or reprieve, in all cases of judicial conviction of crime, resides in this convention, and may be rightfully exercised by them.

On motion of Mr. Rusk, that the papers of John M. Smith and others, be referred to a select committee of five, with leave to report upon the same;

Whereupon, the President appointed Messrs. Rusk, Childress, Conrad, Barnett, of Washington and Waller.

On motion of Mr. Zavala,

*Resolved*. That an interpreter be appointed by the convention, charged with the duty of translating into the Spanish language the constitution and laws of the republic of Texas;

And the question being taken thereon, it was decided in the affirmative.

Mr. Rusk presented the petition of Col. Morgan; which was received and referred to a select committee of three;

And the question being taken thereon, it was decided in the affirmative;

Whereupon the President appointed Messrs. Rusk, Carson and Hardeman said committee.

On motion of Mr. Barnett, of Washington,

*Resolved*, That the committee on military affairs be instructed to draw up and to report to this convention, a commission for Joseph T. Bennett, captain of a volunteer company, now at this place; and that he, the said Bennett, be authorized to draw upon the government for all sums necessary to provision his company on their march, to whatever point they may be ordered;

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Hardeman, the house adjourned until ten o'clock to-morrow morning.

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SATURDAY MARCH 11, 1836.

The convention met, pursuant to adjournment.

Mr. Collinsworth, chairman of the committee on military affairs, made the following report; to wit:

CONVENTION HALL, MARCH 12, 1836.

*To Captain Joseph L. Bennett.*—SIR,—You will proceed immediately to the head quarters of the commander-in-chief, and report yourself to him: upon which, and being mustered into service, he will forward to the proper authority the necessary certificate; and commissions for yourself and inferior company officers will be regularly issued. On your way to head quarters, you will be authorized to purchase, on the credit of the government, such provisions as may be necessary for the use of your company, enjoining on you strict economy. And when you cannot otherwise obtain provisions, you are authorized to press such as may be absolutely necessary: but in doing this, you will act with the greatest forbearance, and in such manner as to avoid, as far as possible, all individual distress: and should it be necessary for you to kill any stock, you will keep an account of the marks and brands, so that their proper owners may be compensated: and when you purchase provisions on the faith of the government, you will give the owners certificates therefor.

JAS. COLLINSWORTH,  
*Chairman of committee on  
military affairs.*

Which, on motion, was received and concurred in.

Mr. Rusk, chairman of the select committee to whom was referred the memorial of James Morgan made and submitted the following report thereupon, to wit:

“The com. to whom was referred the petition of J. Morgan Esq. beg leave to make the following report:—That they have had the said petition under consideration and are of opinion, that the provisional government had no authority vested in them to lay impost duties; and therefore propose the following resolution:

*Resolved* that the act laying imposts, passed by the provisional government is null, void and of no effect; and therefore

Resolved that the said J. Morgan as well as all others, of whom duties may have been demanded under the provisions of that act, be released therefrom.

Be it further Resolved, that should any monies have been collected by any officers under said law, it shall be refunded to the persons by whom it has been so paid over:

Which was received, and on motion concurred in by the convention.

Mr. Rusk, chairman of the select committee, to whom was referred the petition of John M. Smith and Wm. M. Smith praying a pardon from the sentence of death for murder, have had the same under consideration, and are of opinion, that the case is one having merits, which the time of this convention will not permit them properly to investigate; and in order to give the applicants an opportunity of presenting their petition to the executive hereafter to be appointed, they therefore propose the following resolution.

Resolved, That the execution of the sentence pronounced against Jno. M. Smith and William M. Smith be suspended until the first day of May next.

Which was on motion received and concurred in.

The secretary of this convention who was required by a resolution of the body to call on the late officers of the provisional government, for the papers connected therewith—which was received and on motion laid on the table.

On motion of Mr. Rusk, the rule of the house was suspended, and the ordinance, to organize the Physical Forces reported by the committee charged with that duty, was read.—

On motion of Mr. Potter the house resolved itself into a committee of the whole, upon the ordinance reported as aforesaid.

Mr. Potter in the chair, and taken up section by section.

On motion of Mr. Gazley the com. of the whole rose, and reported the bill with sundry amendments.

The President resumed his seat.

On motion of Mr. Gazley the ordinance so reported by the com. of the whole, was laid on the table until two o'clock; and on motion the house adjourned until that hour.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. Collinworth submitted sundry public documents from Messrs. McKinney & Williams, which were on motion referred to the committee on finance.

Mr. Barnett of Washington introduced the following preamble and resolutions:

Whereas Capt. John W. Peacock, a citizen of Perry county, in the State of Tennessee, and U. S. of America, animated by a noble and generous sympathy for the people of Texas in their hour of need,

gave up the comforts and security of his home to bring to their aid a gallant band of his countrymen; and whilst courageously engaged among the storming columns that led the attack on San Antonio received a musket ball in his body, of which he is since dead.

Resolved, That the memory of Capt. John W. Peacock deserves to be held in sacred remembrance by the people of Texas, and while they deplore his lamented death, they are not insensible to the obligation of making provision for his family; therefore, Be it resolved by the delegates of the people of Texas in general convention assembled and it is hereby ordered by authority of the same, That the wife and children of said John W. Peacock or their agent be and is hereby authorized to locate a league and labor of land, on any vacant lands of the Republic of Texas, to be held and divided by and between his wife and children, according to the laws of descent of the State of Tennessee: and

Be it further resolved by the authority aforesaid That—David Murphy be and is hereby appointed agent for & in behalf of the widow & children of said Capt Jno. W. Peacock with full power and authority to take possession of the papers, property, money and effects left by him the said Peacock in Texas, and preserve the same for the benefit of his family.”

Which on motion was adopted.

On motion of Mr. Barnett this resolution was directed to be printed in the public papers of Texas, and the town of Shelbyville in the State of Tennessee of the U. S. of A.

On motion of Mr. Rusk the rule of the house was suspended to take up the ordinance as reported by the com. of the whole, to organize the physical forces.

The ordinance was taken up, and on motion of Mr. Potter the words “free persons of color” were stricken out of the exception in Section 1.

Mr. Potter introduced a resolution to amend the 2nd section as follows by adding the words “making in separate columns the names of Mexicans, and those of other persons within the municipalities of Nacogdoches, Bexar, Refugio, and San Patricio,” and on the question being taken, it was decided in the negative.

Mr. Potter introduced the following as an amendment to section 2nd to-wit: “Provided that whenever the militia of any municipality may be embodied for the public service, the white men shall be organized in separate companies and have the entire control of the election of their officers.”

Mr. Rusk offered the following in lieu of Mr. Potter’s amendment which was accepted by him, towit: “Provided that in the municipality of Nacogdoches there shall be one additional individual appointed, whose duty it shall be to make out separate, the names of all natives therein liable to serve, and that they when

drafted or ordered out, shall be organized in separate corps," whereupon, the question being taken was decided in the affirmative.

Mr. Pennington dissenting, presented the following as his protest:

"That no minor shall be disfranchised in consequence of failing to muster into service agreeably to this article."

S. O. PENNINGTON.

Mr. Powers introduced the following amendment: "and any person coming into any municipality, and remaining there ten days without reporting himself for military duty shall be liable to serve before all other persons."

Mr. Carson introduced the following section as an amendment.

Section 18. Be it ordained by the authority aforesaid That this ordinance remain in full force for and during the term of twelve months from the day of its passage and no longer, unless sooner repealed by a Congress of the republic," which was on motion accepted.

On motion of Mr. Rusk, the rule of the house was suspended, and the ordinance to organize the militia taken up and put upon its last reading. Whereupon, the question being taken upon the passage of the ordinance, the same was decided in the affirmative and ordered to be enrolled.

On motion of Mr. Rusk the chair appointed Messrs. Rusk, Thomas, and Childress a Com. to inspect the enrolment of the ordinance bills.

Mr. Gazley introduced the following resolution:

Resolved that six hundred copies of the militia laws be printed in hand bill form: and that twenty of said Copies be immediately forwarded to the first judge of each municipality in Texas, who are hereby required to distribute the same among the people.

Resolved that the said law be inserted in the Telegraph and Texas Register, printed at San Felipe de Austin.

Resolved That a Com. of three be appointed to carry the foregoing resolutions into effect: which on motion was adopted. Whereupon the chair appointed Messrs. Gazley, Brigham, and Everett a committee.

On motion of Mr. Scates, the Rainbow and star of five points above the western horizon; and the star of six points sinking below, was added to the flag of Mr. Zavala accepted on Friday last.

Mr. Taylor introduced the following resolution: Resolved that the word "Texas" be placed, one letter between each point of the star on the national flag.

Mr. Waller introduced the following resolution: Resolved that Peter Bertrand of the municipality of Brazoria be appointed to organize and draft the militia agreeably to an ordinance made by this convention: which was adopted.

Mr. Bunton introduced the following resolution:—Resolved that the Com: on Military affairs be instructed to report a plan to this house, by which supplies, arms, munitions &c. may be immediately despatched to the seat of war: which was adopted.

On motion of Mr. Rusk. Resolved that Mr. Goodrich be appointed a committee to procure a suitable room in which to deposit the public archives.

Mr. Childress introduced the following resolution: Resolved that a single star of five points, either of gold or silver, be adopted as the peculiar emblem of this republic: & that every officer & soldier of the army and members of this convention, and all friends of Texas, be requested to wear it on their hats or bosoms: which was adopted.

On motion of Mr. Gazley, the house adjourned till tomorrow, 9. o'clock.

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SUNDAY, 9 O'CLOCK, A. M.

The convention met pursuant to adjournment.

The communication of Mr. Moody auditor of public accounts of the late provisional government was received and laid on the table.

Mr. Goodrich, chairman of the Com. appointed to procure a suitable room for depositing the archives of the late provisional government, made a report which was received and concurred in.

On motion the chairman appointed Messrs. Carson and Fisher of Matagorda a Com. to forward commissions &c. to our naval commanders.

Mr. Pennington introduced the following resolution: Resolved that a Com. of three be appointed to receive, examine and receipt for [certain accounts not found herein].

Messrs. Pennington, Barnett of W. and Stewart were appointed by the President the committee.

Mr. Turner introduced the following preamble and resolutions, "Whereas several families from the neighborhood of San Patricio, San Antonio & Refugio, whose husbands and fathers are in the field have been driven by the enemy from their homes, and are now in the colonies without homes or means of support: Be it therefore Resolved That the agents, contractors and quartermasters be instructed and required to furnish such families with the necessary rations for their support and sustenance, while their husbands and fathers are in the field:"—which was laid on the table till tomorrow.

Mr. Rusk introduced the following resolutions:

Resolved that a standing Com. on the state of the Republic be appointed by the President: which was laid on the table, under the rule, till tomorrow.

Resolved that a Com. of five be appointed as a standing Com. of finance; which was accepted.

Whereupon the president appointed Messrs. Collinsworth, Gazley, Hamilton, Childress and Goodrich.

Mr. Brigham introduced the following resolution:

Resolved by this Convention that a National bank be founded, and that the provisional government when formed may grant a charter to that effect: which was laid on the table under the rule of the house.

On motion of Mr. Parmer the house took a recess till the hour of two o'clock.

TWO O'CLOCK, P. M.

The Convention met and was called to order by the President.

Mr. Parmer chairman of the Com. on the constitution asked and obtained leave to make a further report on the Constitution: the same on motion was received.

Mr. Parmer chairman of the Constitution Com. asked that the Com. be discharged; which was granted.

On motion, the report of the Com. made on the Constitution today was taken up and read.

On motion of Mr. Gazley the house resolved itself into a Com. of the whole upon the Constitution. Mr. Gazley in the chair.

On motion of Mr. Potter the committee rose, reported progress and asked leave to sit again: which was granted.

Mr. Carson introduced the following resolution:

Resolved That a standing committee of five on naval affairs be appointed to draw up and forward all necessary instructions and orders for the government of the officers of our navy; and the chairman thereof is hereby empowered to sign all communications in his official character as chairman; and which instructions and orders when agreed on by the committee, and so signed, shall be binding on the officers to whom directed. It shall be the further duty of said chairman to make out Copies of all such communications and file them with the Secretary of this Convention for the use of the government: which was adopted.

Whereupon the President appointed Messrs. S. Rhoades Fisher, Chairman, Hamilton, Zavala, Gazley and Carson.

The Standing Committee on Naval affairs by their Chairman S. R. Fisher reported that they had appointed and commissioned the following persons officers in the naval service of Texas, to wit:

George Wheelright, Captain to schooner Liberty; Charles Hawkins, Captain to schooner Independence Jeremiah Brown captain to schooner Invincible; William A. Hurd, Captain to schooner Brutus; Arthur Robertson, Captain of Marines. All bearing date the 12th of March 1836.—Also that they had forwarded letters

of instructions to said officers, copies of which were retained and filed with the Secretary of this Convention.

On motion of Mr. Gazley the Convention adjourned until tomorrow morning 9 o'clock.

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MONDAY, MARCH 14, 1836.

Convention met pursuant to adjournment.

Mr. Carson asked leave to be excused from serving on the Naval committee, which request was granted; and the President appointed Mr. Waller to fill the vacancy.

On motion of Mr. Powers, Resolved that a government brand be adopted, which will be placed on all horses, mules, oxen, carts, wag-gons and other property of the Republic, as the nature of the case may be; and it is hereby made the duty of the officers in charge of such property, to see the same carried into effect.

On motion of Mr. Potter the same was referred to the Committee on State affairs.

On motion of Mr. Everett the house resolved itself into a committee of the whole on the Constitution. Mr. Everett in the chair; and after some time spent therein, on motion of Mr. Gazley the committee rose.

Whereupon Mr. Everett reported that the committee of the whole had had under their consideration the report of the committee on the Constitution and had instructed him to report progress, and ask leave to sit again; which report was received and agreed to.

On motion of Mr. Gazley the Convention adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Potter, Resolved, that a committee of five be appointed to draft a provision for the constitution on the subject of lands: and the question being taken thereon, it was decided in the affirmative.

Whereupon the President appointed Messrs. Potter, Carson, Childress, Fisher and Coleman.

The President laid before the Convention a communication from Mr. Wm. S. Fisher, collector at Velasco, which was read, and on motion of Mr. Potter referred to the com. on Naval affairs.

The President laid before the Convention the report of the audit-or of public accounts, which are as follows, to-wit:

“Washington, March 7, 1836.

The Honb. Prest. & members of the Convention. In conformity with the existing laws, I beg leave to report the amount of the

government debts from 1st Jany. 1836 to 7th March inclusive, admitted to audit and drafted for, upon ballancing the books & correcting the errors in addition, on account of

Contingent Expenses . . . . .	604 78
Civil Expenses . . . . .	6,023 23
Military Expenses . . . . .	39,329 79

Amount of government debts 7th March 1836 . . . . . \$45,957 80

*J. W. Moody, Auditor.*

Washington, 14th Mar. 1836.

The Honb. Prest & members of the Convention.

In accordance with the existing laws, I beg leave to report, that since the 8th March, to the 10th inst. inclusive I have admitted to audit & drafted for on account of

Contingent Expenses . . . . .	00,000 0
Civil Expenses . . . . .	30 0
Military Expenses . . . . .	543 65

Amt. of Govt. debts on 7th March . . . . . \$45,957 80

“ “ “ “ 10th “ . . . . . \$46,531 45

Add for Contingent Expenses as per account 27th January . . . . . 37 50

Total am't audited and drawn for . . . . . 46,568 95

Deduct amt. of draft paid in per S. Leeper's note . . . . . 38 00

Amt. Govt. debts 10th March . . . . . \$46,530 95

Having ceased operations since the morning of the 11th inst. and balanced the books of the office, they stand thus—

Contingent Expenses . . . . .	642 28
Civil Expenses . . . . .	6,053 23
Military Expenses . . . . .	39,835 44

Amt. Govt. debts 10th March 1836 . . . . . \$46,530 95

Having received information of four families being in a house on this side the Colorado, of which my own is among the number, I must go to their relief. My office and papers being ready for examination, an immediate action is earnestly requested.

I remain Sir, Your obedient servant,  
*J. W. MOODY, Auditor.*”

On motion of Mr. Rusk, the same was referred to the committee on finance.

On motion of Mr. Carson the house resolved itself into a committee of the whole on the Constitution: and

On motion of Mr. Rusk that the committee rise, and the question being taken, it was decided in the affirmative.

Whereupon the President resumed the chair; and Mr. Carson reported that the Committee of the whole had had under consideration the report of the Committee on the Constitution, and instructed him to report the report the same as amended.

On motion of Mr. Carson the report was received and agreed to.

On motion of Mr. Rusk:

Resolved that the Constitution as reported and amended be referred to a select committee of five, with directions to correct errors and phraseology relating to the present provisions, with leave to submit reflections by report; and the question being taken thereon it was decided in the affirmative.

Whereupon the President appointed Messrs. Rusk, Gazley, Hamilton, Gaines and Everett said Committee.

Mr. Barnett of W. laid before the Convention sundry communications from F. W. Smith; which were read and on motion of Mr. Carson, the same were referred to the Military Committee.

On motion of Mr. Rusk—Resolved that the Committee on Military affairs be instructed to make arrangements for furnishing arms, munitions, &c. to a company of regulars on their march to the frontier under the command of Lieutenant Teal.

And the question being taken thereon, it was decided in the affirmative.

Mr. Goodrich laid before the Convention a communication: which was read, and

On motion of Mr. Rusk the same was referred to the Military Committee.

Mr. Conrad introduced the following, which was read,

“Whereas many individuals from the United States have left their homes of peace and comfort to volunteer in the service of this country and endure the hardships and perils of war, in its struggle against Mexican tyranny; and have by their generous patriotism and gallant conduct in the field earned our earnest gratitude; therefore,

“Resolved that bounties of land be and are hereby granted to said volunteers, as follows:

“To all who are now in service and shall continue in the service faithfully during the war 1280 acres.

“To all who have served faithfully or who shall serve faithfully for a period not less than six months 640 acres.

“To all who have served faithfully for a period not less than 3 months 320 acres.

“To all who shall enter the service previous to the 1st July next, and shall continue in the service faithfully during the war, provided the war shall continue for a period more than six months 960 acres.

“To all who were at the siege of Bejar 640 acres.

“To all who shall enter the service after the 1st July next, a quantity proportioned to their services and to be hereafter determined.

“Resolved That the lawful heir or heirs of all such volunteers as may have fallen or may hereafter fall in the present struggle with the Mexican government, or who may have died, or may hereafter die from any accident whilst in the service of the Country during the war, shall be granted the quantities of land which would have been due the deceased under the colonization laws, as established by the laws of the land had he survived, and that is to say, one league and labor (——— acres) for a man of family and one-third of a league (——— acres) for a single man. Also that the said heir or heirs shall receive in addition to the land granted as aforesaid, a bounty of 640 acres, as decreed by the Council at San Felipe on the 11th day of Dec. 1835.

“Resolved that every applicant for land under those claims shall present a certificate from the proper officer under whose command he served, the time of service, faithfulness, discharge &c. and that the certificate shall be presented to a land commissioner or such proper agent as might be established by law, as a voucher for the correctness of the claims. Also that these claims may be located on any unappropriated vacant land in the country, but no single grant shall be located in more than one body, nor any grant of 1280 acres in any other form than 2 equal squares; nor any grant of 960 acres in any other form than a square of 640 acres and another square of 320 acres; nor any grant of 640 acres in any other form than a square; nor any grant of 320 acres in any other form than a square. The expenses of surveying, office fees &c shall be borne by the claimant.

“Resolved that no bounty land as herein specified shall be construed so as to affect the rights and privileges to land under the colonization laws as established by the laws of the land of any said volunteer, any more than if it had not been granted.—

On motion of Mr. Childress, that the rule be suspended and the preamble and resolution be put on their adoption; and at the suggestion of the introducer the same was laid on the table.

On motion of Mr. Parmer the Convention adjourned till tomorrow 9 o'clock.

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TUESDAY, MARCH 15, 1836.

The Convention met pursuant to adjournment.

1. Mr. Potter chairman of a select committee to whom was referred that part of the Constitution in relation to lands made the following report. \* \* \* \* \*

On motion of Mr. Gazley the same was referred to the select

committee on the Constitution to correct errors and phraseology of the same.

2. Mr. Fisher of Matagorda, chairman of committee on Naval affairs made the following report on the African Slave trade.

"The committee to whom was referred a letter dated Velasco, March 2d, 1836, from Wm. S. Fisher, Collector, beg leave to observe, that the subject matter of said letter is of such a nature as to involve several important legal questions, which your committee do not consider come within the sphere of their duties; inasmuch as the private rights of some of our valued and respected citizens are therein involved. Yet your committee feel bound to give it as their opinion, that the introduction of African Negroes, is in contravention of the existing Treaties between most nations, and the existing laws of this land. And your committee have no hesitancy in stating their views and belief of the extreme impolicy of either covertly or directly countenancing a traffic, which has called forth the indignant condemnation of nearly the whole civilized world. It is to that civilized world that we now, in our present struggle look for sympathy, and hope from that sympathy to extract assistance.—Almost every nation has proclaimed against this traffic many years since, and denounced it as "Piracy;" and we are bound to believe from the late Message of his Majesty the King of Great Britain that, he has concluded with Denmark, Sardinia and Sweden, new conventions calculated to prevent it, and was in expectation of receiving a ratification of a similar treaty with Spain—that he was engaged in negotiating with other powers of Europe and South America for similar purposes, and hopes ere long, the traffic will be entirely suppressed.

Your committee therefore respectfully suggest that, as a nation just ushered into existence, it most eminently becomes our duty and policy to adapt our measures to the genius and spirit of the age. We must be governed by the opinions of others—we must so regulate our infant steps as to deserve the kind and watchful solicitude of older Nations. But while advocating the broad and abstract principle of justice, let us not by taking a retrospective view, of a doubtful and exciting question, interfere with or violate the just rights of our citizens.

Your Committee therefore in presenting their individual and collective views of the justice and policy of the Traffic in African Negroes, would respectfully beg that your honorable body discharge them from the further consideration of the subject, as being one which does not properly come under their notice."

On motion of Mr. Childress 1000 copies of the report were ordered to be printed.

Mr. Ellis laid before the Convention a communication from Edward Harcourt which was read and referred to the committee on Military affairs.

On motion of Mr. Roberts that Capt. Teal and Lieut. Snell be invited to take a seat within the bar of the house—whereupon they were invited by the President to take a seat within the same.

On motion of Mr. Thomas Resolved that the Military committee be instructed to enquire whether there be a Quarter Master General to the Army; by whom appointed whether he be in the public service and what he has done to provide the Army with means and necessaries and what may have been expended by him.

Resolved that they further enquire whether there be a Paymaster, by whom appointed, whether he be on duty, and what funds have been placed at his disposal and what disposition has been made of them.

Resolved further that they be instructed to inquire into the expediency of examining into the conduct of the late commandant of the post of Goliad, and in what manner the public stores and property have been expended and disposed of, and report to this Convention as soon as possible.

And the question being taken thereon it was referred to the Military Committee.

On motion of Mr. Goodrich Resolved that a committee on Indian affairs be appointed to examine and report upon the letter of Mr. Frier communicated to this house; and the question being taken it was decided in the affirmative.

The President appointed Messrs. Goodrich, Robertson and Maverick said committee.

On motion of Mr. Everett, Resolved that a committee of three be appointed to superintend the making out and publishing a copy of the proceedings of this house, and that said committee be authorised to have 500 copies printed and distributed to the members of the house for the benefit of their constituents, and that they have power to forward documents by express riders. Adopted.

The President appointed Messrs. Everett, Fisher, and Gazley said Committee.

On motion of Mr. Rusk Resolved that Henry Teal be appointed a Captain in the regular army of Texas, and that the President of this body issue to the said Teal the corresponding Commission. Adopted.

On motion of Mr. Brigham Resolved That this Convention nominate and appoint three discreet and judicious persons resident citizens of the capital of each county or district in this republic; said three persons shall form a body politic and shall be denominated a police of their respective Counties or districts in which they belong, and the provisional government when formed shall recognize and commission those persons so appointed by this Convention as a police during the War, and assign special duties to them; said persons forming this police shall not receive any

compensation for their services, but shall be exempt from Military duty for the time being:—which was on motion laid on the table.

On motion of Mr. Carson the Convention proceeded to the consideration of that part of the Constitution reported by the committee to which was referred the same.

On motion of Mr. Carson the Select Committee to whom was referred the Constitution had leave to withdraw for the purpose of consummating their labors on the same.

The preamble being first read Mr. Potter moved to strike out the word “civil:” and the question being taken thereon was decided in the affirmative.

Third section being under consideration, Mr. Grimes moved to strike out the “first Monday in October” and insert “first Monday in September.” And the question being taken thereon was decided in the affirmative.

On motion of Mr. Rusk, the section was further amended by adding “until Congress shall otherwise provide by law.”—

The fourth Section being under consideration, Mr. Power moved to strike out “21” and insert “25”—and the question was taken on striking out.

The yeas and nays being called for by the requisite number, it was decided in the affirmative. Yeas 22—Nays 18.—Those who voted in the affirmative are: Mr. President, Brigham, Everett, Fisher, of Matagorda, Lacy, Latimer, Menefee, Hardiman, Hardin, McKinney, Roberts, Stepp, Scates, Smyth, Taylor, Turner, West.

Those who voted in the negative are—Messrs. Barnett, of Washington, Bowers, Briscoe, Bunton, Carson, Conrad, Crawford, Coleman, Fisher, of Gonzales, Grimes, Legrand, Mottley, Potter, Parmer, Robertson, Rusk, Thomas, Zavala.—18.

The fifth section being under consideration—Mr. Rusk moved to strike out “forty” and insert “fifty.” And the question being taken thereon was decided in the negative.

The seventh section being under consideration, Mr. Thomas moved to strike out the word “proviso” of the section: and the question being taken, it was decided in the affirmative.

Mr. Rusk moved to strike out “Indians and free negroes excepted,” after the word “population,” and the question being taken was decided in the affirmative.

The Eighth section being under consideration, Mr. Potter moved to strike out the word “thirty” and insert “twenty”—and the question being taken was decided in the negative.

The Ninth to the twenty-seventh being read were unanimously adopted.

Article Second, Section 1st, 2nd, 3rd, 4th and fifth having been read,

Mr. Rusk moved to add Sec. 3rd that “Congress shall have power to grant charters of incorporation, and to grant patents and copy

rights"—and the question being taken was decided in the affirmative.

Article third—Fifth Section being under consideration—Mr. Le-grand moved to strike out the word "three" and insert "two"—and the question being taken was decided in the negative.

Mr. Parmer moved to strike out "thirty five" and insert "thirty" and the question being taken was decided in the negative.

The Seventh section being under consideration, Mr. Potter moved to fill the blank as follows, "I, A. B. president of the Republic of Texas do solemnly swear (or affirm as the case may be) that I will faithfully execute the duties of my office, and to the best of my abilities preserve, protect and defend the Constitution of the Republic, so help me God," and the question being taken was decided in the affirmative.

Article fourth. The eighth section being under consideration Mr. Potter moved to add "provided no judge shall sit upon a cause determined by him in the Court below;" and the question being taken was decided in the affirmative.

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On motion of Mr. Gazley it was Resolved that Colonel Daniel Pitman be authorized as assistant quarter-master to furnish supplies to the volunteers and regulars who are preparing to march to the head quarters of the Texian army.

Mr. Rusk Chairman of the select committee upon the Constitution reported by resolution:

Resolved that the Constitution so far as reported be read over carefully, section by section, with a reasonable pause between, so that each member of the Convention may take his memorandums by sections first; and that it be again read by sections for adoption.

The Constitution being under consideration— \* \* \* On motion of Mr. Rusk, Resolved that a committee of three be immediately appointed to draw copies of the late act organising the militia and that the President of this body issue his orders under the provisions of that act ordering out one third of the militia:" which was adopted; and thereupon the President appointed Messrs. Carson, Collinsworth and Childress said committee.

On motion of Mr. Powers Resolved that a select committee of two be appointed to superintend expresses:—The President appointed Messrs. Parmer and Waller said Committee.

On motion of Mr. Rusk the Convention adjourned till 9 o'clock to-morrow morning.

HALF PAST SEVEN O'CLOCK, P. M.

The convention by unanimous consent proceeded to business.

Art. 4th Section eleventh being under consideration—Mr. — moved to add "no new county shall be laid off unless it be done upon the petition of one hundred free male inhabitants of the

territory sought to be laid off in a county, and unless the said territory shall contain nine hundred square miles"—and the question being taken was decided in the affirmative.

A letter from Genl. Sam Houston, announcing the fall of the Alamo, was read by the President.

On motion of Mr. Potter the Convention adjourned till tomorrow 8 o'clock.—

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MARCH 16TH, 1836.

Wednesday Morning, 9 o'clock.

The Convention met pursuant to adjournment and was called to order by the President.

Mr. Collinsworth, Chairman of the Committee of Finance, submitted a report as to the claims of Messrs. McKinney & Williams against the Government, which was laid on the table.

On motion of Mr. Waller, an address to the people of the United States of America, was ordered to be prepared to accompany the letter of General Sam Houston, Commander in Chief of the Army, &c., announcing the fall of the Alamo.

Mr. Briscoe introduced the following resolution: Resolved, That a committee of three be appointed to arrange for the publication of the intelligence from San Antonio, which was, on the question being taken, was decided in the negative.

Mr. Collinsworth, Chairman of the Committee on Military Affairs, asked leave for said committee to be discharged, which was done.

On motion of Mr. Rusk, that portion of the Constitution denominated the general provisions was taken up for its final reading.

Mr. Rusk offered the following amendment to the twelfth Section, "and all titles issuing upon such Surveys shall be null and void." On motion the Ayes and Nays were taken and decided in the Negative. Those who voted in the affirmative were Messrs. Hardin, Legrand, Menard, Navaro, Roberts, Rusk, Smyth and Taylor,—eight.—Those who voted in the Negative are Messrs. Barnett of Washington, Briscoe, Blount, Badget, Brigham, Byrom, Barnett of Austin, Bowers, Bunton, Collinsworth, Carson, Coleman, Childress, Clark, Crawford, Everette, Fisher, of Gonzales, Fisher of Matagorda, Grimes, Goodrich, Hamilton, Hardiman, Lacy, Latimore, Menefee, McKinney, Motley, Moore, Maverick, Potter, Parmer, Pennington, Power, Robertson, Swisher, Stapp, Stewart, Thomas, Turner, Waller, Wert, Woods, and Zavalla, forty-three.

Mr. Parmer asked and obtained leave to be discharged from further attendance as a delegate of this Convention.—Mr. Walker asked and obtained leave to be discharged from further attendance as a delegate to the Convention.

Mr. Carson asked that the rules be suspended, with leave to introduce the following resolution.—Resolved: That Spies be immediately despatched under the direction of this house, for the protection of this Convention and also; for the procurement of arms.

Mr. Power introduced the following resolution—Resolved: That no member of this Convention shall be eligible to any office filled by them while a sitting member, or four months after they vacate their seats, Whereupon the question being taken the same was decided in the Negative.

On motion Convention adjourned until Three o'clock, P. M.

THREE O'CLOCK, P. M.

The Convention met pursuant to adjournment and was called to Order by the President.

Mr. Isham Parmer Sergeant-at-Arms asked and obtained leave to be discharged, which was granted.

On motion of Mr. Roberts, Charles Lay was appointed Sergeant-at-Arms.

Mr. Gazley asked to be discharged from further attendance as a delegate of the Convention, which was done.

Mr. Rusk introduced introduced the following resolution.—Resolved, that John G. Love of the Municipality of San Augustine, James English of Shelby, Soloman R. Peck of Nacogdoches, S. B. McMahan of Sabine, Joseph Wert of Jasper, are hereby authorized and empowered to list the names of the Militia in their several Municipalities and Organize them. which was adopted.

Mr. Rusk introduced the following resolution.—Resolved: That J. W. Moody be authorized to raise a guard of at least four men, and press Horses, waggons, provisions, to move in poor families who are on the Colorado exposed to the ravages of the enemy. Which was adopted.

The House On Motion of Mr. Thomas again took up the consideration of that part of the Constitution denominated the "General Provisions"—whereupon Mr. Thomas moved that the twelfth Section be amended by striking out the words "Eleven Leagues"—The Ayes and Nays being Called for, the same was decided in the Negative. Twenty eight members being present, those who voted in the affirmative are Messrs. Byrom, Fisher of Matagorda, Mavrick, Thomas, Zavalla, five— Those who voted in the Negative are Messrs. Barnett of Washington, Blount, Badget, Brigham, Barnett of Austin, Bowers, Carson, Clark, Crawford, Conrad, Everette, Fisher of Gonzales, Gains, Hamilton, Legrand, Latimore, Menefee, McKinney, Moore, Potter, Pennington, Power, Robertson, Rusk, Swisher, Stepp, Smyth, Stewart, Turner, Wert, and Mr. President Ellis with leave of the house. Twenty Eight.

Mr. Rusk introduced the following resolution.—Resolved: That Col. Martin Parmer be, and he is hereby authorized to demand, re-

ceive, and dispose of as the exigencies of circumstances may require any and all public property, whether money, provisions, horses, waggons, and teams, arms and other munitions of war to be found within the Municipalities of Nacogdoches, or of San Augustine, giving the corresponding receipts, and that he be also: fully authorized within the said municipalities to make requisitions for, and if need be to press into the public Service, such provisions, horses, waggons and teams, arms and other munitions of war not the property of the public, as may be needful for the efficient equipment and sustenance of the army, or any portion thereof, rendering the proper vouchers to individuals and being accountable to the Government for what he may do in pursuance of this Constitution.—Which was adopted.

On motion the Convention adjourned till 9 o'clock tomorrow morning.

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THURSDAY, MARCH 17th, 1836.

The Convention met pursuant to adjournment.—Mr. Turner chairman of the Select Committee to whom was referred the subject of the Condition of families that were compelled to retreat from beyond San Antonio and Guadalupe, asked leave to report.

The Committee to whom was referred the Resolution to take into consideration the condition of the families compelled to retreat from beyond the San Antonio and Guadalupe to seek protection from their fellow countrymen to the East, beg leave to report as follows.

That there are a number of families who have been compelled to retreat into the Colonies to the east, and many of them unable to provide for themselves.

Resolved therefore; that any contracting or other agent of the Government who may have provisions, Clothing, or any other necessaries they may require, shall supply them with the same, at the expense of said Government.—And on motion of Mr. Turner the report was received.

Mr. Menefee introduced the following in lieu thereof.—Resolved, that it shall be the duty of the Executive Government to provide for those who may be, or have been drove from their homes by the invading enemy.—And the question being taken thereon, it was decided in the Negative.

Mr. Turner moved for the adoption of the report of the committee, and the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Childress Col. Robert Triplett explained the nature of the loan made by the agents of the Republic in New Orleans, which he done at some length and great satisfaction.

On motion of Mr. Everette the following preamble and Resolution was read.

Whereas Messrs. Wharton, Austin and Archer, the agents of the Provisional Government of Texas have made contracts for loans, with certain citizens of the United States of America, and Whereas, the contract was to have been ratified by this Convention, and Whereas, the present emergency of the country has compelled this Convention to form an Executive Government, to whom plenary powers are granted, and in as much as it would be difficult to take into consideration the merits of the loan, with that reflection that would be necessary to due justice to our country and the parties concerned.

Be it therefore Resolved, That the documents and papers, and all the information in the possession of this Convention be referred to the Executive Government for their action, and that they be, and are hereby impowered to ratify said loan or loans, or to make such compromise as the good faith of our Country may require.— And the question being taken thereon, it was decided in the affirmative.

The Hon. Saml. P. Carson Secretary of State of the Republic laid before the House the following communication and Resolution.

Washington, 17th March, 1836.

To the Honl. The President of the Convention.

Sir:—I respectfully Submit to the Convention for their consideration the propriety of authorizing the Executive Government ad-interum to issue Treasury Notes to an amount adequate to the present exigencies of the Country—And I would respectfully Suggest that an early action of the House on this matter appears to me important.

I have the honor to be, with high consideration,

Your Obt Servt

DAVID G. BURNET.

Resolved, that the Executive Government *ad interim* of the Republic be, and is hereby authorized to supply the wants and exigencies of the Government by issuing Treasury Notes based on the faith and Credit of the Republic, payable at the Treasury, and to bear interest of eight per cent per annum, which notes shall be receivable in payment of all debts due the Government.

Resolved that the also Executive Government ad interim shall have the power of regulating such as system of import tonage and other duties as may be deemed necessary and expedient to meet exigencies of the Republic, subject to such alterations, as Congress at the first meeting shall or may direct.—And the question being taken thereon, it was unanimously adopted.

On Motion of Mr. Everette, Resolved That Captain James Chester shall be, and is hereby employed, to draw on the Treasury of the Republic of Texas, for such funds as may be necessary to pay the expenses of equiping and furnishing with provisions and other necessary articles, as may be wanted for the use of the men raised, or to be raised in the Municipality of Jasper, for the aid of the Country.—And should it be necessary, he is hereby empowered to press for the public service all articles that he may not otherwise be enabled to procure.—The Country being responsible for the Same.

And the question being taken thereon, it was decided in the affirmative.

On Motion of Mr. Roberts.

Resolved, That the proposition of John T. Lamar now before the Military Committee, be adopted—and that he be constituted the agent of this Government as set forth in his proposition. And that he be clothed with the authority necessary to acquire the aid for the country, so requisite in this, our present emergency.—And the question being taken it was decided in the Affirmative.

Mr. Conrad called for the resolution introduced by himself some days since, and laid on the table.—The House sustained the call, and the resolution was read, amended and adopted.

On Motion of Mr. Childress, the Convention adjourned Sine die.

Done in Convention at Washington, on the 17th day of March, Anno Domini, 1836, and in the first year of the Independence of the Republic of Texas.

Attest

H. S. KIMBLE

Secretary of the Convention.

(Signed) RICHARD ELLIS, President

of the Convention and

Delegate from Red River.

ORDINANCES AND DECREES  
OF THE  
CONSULTATION,  
PROVISIONAL GOVERNMENT OF TEXAS  
AND THE  
CONVENTION  
WHICH ASSEMBLED AT WASHINGTON MARCH 1, 1836.

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BY ORDER OF THE SECRETARY OF STATE.

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HOUSTON.  
1838



DECLARATION  
OF  
THE PEOPLE OF TEXAS IN GENERAL CONVENTION  
ASSEMBLED.

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WHEREAS, General Antonio Lopez de Santa Anna and other Military Chieftains have, by force of arms, overthrown the Federal Institutions of Mexico, and dissolved the Social Compact which existed between Texas and other Members of the Mexican Confederacy—Now, the good People of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE—

1st. That they have taken up arms in defence of their Rights and Liberties, which were threatened by the encroachments of military despots, and in defence of the Republican Principles of the Federal Constitution of Mexico of eighteen hundred and twenty-four.

2d. That Texas is no longer, morally or civilly, bound by the Compact of Union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such of the Members of the Mexican Confederacy as will take up arms against military despotism.

3d. That they do not acknowledge, that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

4th. That they will not cease to carry on war against the said authorities, whilst their troops are within the limits of Texas.

5th. That they hold it to be their right, during the disorganization of the Federal System, and the reign of despotism, to withdraw from the Union, to establish an

independent Government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican Government so long as that nation is governed by the Constitution and Laws that were formed for the government of the Political Association.

6th. That Texas is responsible for the expenses of her Armies now in the field.

7th. That the public faith of Texas is pledged for the payment of any debts contracted by her Agents.

8th. That she will reward by donations in Land, all who volunteer their services in her present struggle, and receive them as Citizens.

These DECLARATIONS we solemnly avow to the world, and call GOD to witness their truth and sincerity; and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity.

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*Plan and Powers of the Provisional Government of Texas.*

ARTICLE I.

That there shall be, and there is hereby created, a Provisional Government for Texas, which shall consist of a Governor, a Lieutenant-Governor; and a General Council, to be elected from this body, one member from each Municipality, by the majority of each separate Delegation present; and the Governor and Lieutenant-Governor shall be elected by this body.

ARTICLE II.

The Lieutenant-Governor shall be President of the Council, and perform the duties of Governor in case of death, absence, or from other inability of the Governor, during which time a President "pro tem." shall be appointed to perform the duties of the Lieutenant-Governor in Council.

ARTICLE III.

The duties of the General Council shall be, to devise ways and means, to advise and assist the Governor in the discharge of his functions: they shall pass no laws

except such as, in their opinion, the emergency of the country requires—ever keeping in view the Army in the field, and the means necessary for its comfort and support: they shall pursue the most effective and energetic measures to rid the country of her enemies, and place her in the best possible state of defence: two-thirds of the members elect of the General Council shall form a quorum to do business; and in order that no vacancy shall happen in the Council, if any member, from death or other casualty, shall be incapacitated to act, the Governor shall immediately, on information thereof, notify the member elected to fill the place; and on his default, any member who has been elected to this body from the same jurisdiction. The Governor and Council shall be authorized to contract for loans, not to exceed one million of Dollars, and to hypothecate the Public Lands and pledge the faith of the Country for the security of the payment: that they have power to impose and regulate Impost and Tonnage Duties, and provide for their collection under such regulations as may be most expedient. They shall have power, and it is hereby made the duty of the Governor and Council, to treat with the several tribes of Indians concerning their Land Claims, and if possible, to secure their friendship.

They shall establish Post-Offices and Post-Roads and regulate the rates of postage, and appoint a Postmaster-General, who shall have competent power for conducting this Department of the Provisional Government, under such rules and regulations as the Governor and Council may prescribe: they shall have power to grant pardons, remit fines, and to hear and judge all cases usual in high Courts of Admiralty, agreeably to the Law of Nations.

They shall have power to appoint their own Secretary and other officers of their own body; also, that they have the power to create and fill such offices as they may deem proper: *provided, nevertheless*, that this power does not extend to officers heretofore rejected by this House.

That the Governor and Council have power to organize, reduce, or increase the regular forces, as they may deem the emergencies of the Country require.

#### ARTICLE IV.

The Governor, for the time being, and during the ex-

istence of the Provisional Government, shall be clothed with full and ample executive powers, and shall be Commander-in-Chief of the Army and Navy, and of all the military forces of Texas, by sea and land; and he shall have full power by himself, by and with the consent of the Council, and by his proper commander or other officer or officers, from time to time, to train, instruct, exercise and govern the Militia and Navy; and for the special defence and safety of the country, to assemble in martial array, and put in warlike attitude the inhabitants thereof; and to lead and conduct them by his proper officers, and with them to encounter, repel, resist and pursue by force of arms, as well by sea and by land, within or without the limits of Texas; and, also, to destroy, if necessary, and conquer by all proper means and enterprizes whatsoever, all and every such person or persons as shall, at any time, in a hostile manner, attempt or enterprize the destruction of our liberties, or the invasion, detriment, or annoyance of the country; and by his proper officers, use and exercise over the Army and Navy, and the Militia in actual service, the Law Martial in time of war, invasion or rebellion; and to take and surprise by all honorable ways and means consistent with the Law of Nations, all and every such person or persons, with their ships, arms, ammunition and goods as shall, in a hostile manner, invade or attempt the invading or annoying our adopted country; and that the Governor be clothed with all these and all other powers which may be thought necessary by the Permanent Council, calculated to aid and protect the country from her enemies.

## ARTICLE V.

There shall be constituted a Provisional Judiciary in each jurisdiction represented, or which may hereafter be represented in this House, to consist of two judges, a first and second, the latter to act only in the absence or inability of the first, and be nominated by the Council and commissioned by the Governor.

## ARTICLE VI.

Every Judge, so nominated and commissioned, shall have jurisdiction over all crimes and misdemeanors re-

cognized and known to the common law of England: he shall have power to grant writs of "habeas corpus" in all cases known and practised, to and under the same laws; he shall have power to grant writs of sequestration, attachment, or arrest, in all cases established by the "Civil Code" and "Code of Practice" of the State of Louisiana, to be regulated by the forms thereof; shall possess full testamentary powers in all cases; and shall also be made a Court of Records for conveyances which may be made in English, and not on stamped paper; and that the use of stamped paper be, in all cases, dispensed with; and shall be the "Notary Public" for their respective Municipalities: all office fees shall be regulated by the Governor and Council. All other civil proceedings at law shall be suspended until the Governor and General Council shall otherwise direct. Each Municipality shall continue to elect a sheriff, alcalde and other officers of Ayuntamientos.

## ARTICLE VII.

All trials shall be by jury, and in criminal cases the proceedings shall be regulated and conducted upon the principles of the common law of England; and the penalties prescribed by said law, in case of conviction, shall be inflicted, unless the offender shall be pardoned, or fine remitted, for which purpose a reasonable time shall be allowed to every convict to make application to the Governor and Council.

## ARTICLE VIII.

The officers of the Provisional Government, except such as are elected by this House, or the people, shall be appointed by the General Council, and all officers shall be commissioned by the Governor.

## ARTICLE IX.

All Commissions to officers shall be, "in the name of the People, free and sovereign," and signed by the Governor and Secretary; and all pardons and remissions of fines granted, shall be signed in the same manner.

## ARTICLE X.

Every officer and member of the Provisional Govern-

ment, before entering upon the duties of his office, shall take and subscribe the following oath of office: "I, A. B., do solemnly swear, (or affirm) that I will support the republican principles of the Constitution of Mexico of 1824, and obey the Declarations and ordinances of the Consultation of the chosen Delegates of all Texas in General Convention assembled, and the Ordinances and Decrees of the Provisional Government; and I will faithfully perform and execute the duties of my office agreeably to law, and to the best of my abilities, so help me God."

## ARTICLE XI.

On charges and specifications being made against any officer of the Provisional Government for malfeasance or misconduct in office, and presented to the Governor and Council, a fair and impartial trial shall be granted, to be conducted before the General Council; and if, in the opinion of two-thirds of the members, cause sufficient be shown, he shall be dismissed from office by the Governor.

## ARTICLE XII.

The Governor and Council shall organize and enter upon their duties immediately after the adjournment of this House, and hold their sessions at such times and places as, in their opinion, will give the most energy and effect to the objects of the people, and to the performance of the duties assigned to them.

## ARTICLE XIII.

The General Council shall appoint a Treasurer, whose duties shall be clearly defined by them, and who shall give approved security for their faithful performance.

## ARTICLE XIV.

That all Land Commissions, Empresarios, Surveyors, or persons in anywise concerned in the location of Land, be ordered, forthwith, to cease their operations during the agitated and unsettled state of the country, and continue to desist from further locations until the Land Offices can be properly systematized by the competent authorities which may be hereafter established; that fit and

suitable persons be appointed to take charge of all the archives belonging to the different Land Offices, and deposite the same in safe places, secure from the ravages of fire or devastations of enemies; and that the persons so appointed be fully authorized to carry the same into effect, and be required to take and sign triplicate schedules of all the books, papers and documents found in the several Land Offices, one of which shall be given to the Governor and Council, one left in the hands of the officers of the Land Office, the other to be retained by the said persons: and they are enjoined to hold the said papers and documents in safe custody, subject only to the orders of the Provisional Government, or such competent authority as may hereafter be created. And the said persons shall be three from each Department as Commissioners to be forthwith appointed by this House, to carry this Resolution into full effect, and report thereof to the Governor and Council; that the political chiefs immediately cease their functions. The different Archives of the different primary Judges, Alcaldes and other municipal officers of the various jurisdictions shall be handed over to their successors in office, immediately after their election and appointment; and the archives of the several Political Chiefs of Nacogdoches, Brazos, and Bexar shall be transmitted forthwith to the Governor and Council, for their disposition.

## ARTICLE XV.

All persons, now in Texas, and performing the duties of citizens, who have not acquired their quantum of land, shall be entitled to the benefit of the Laws on Colonization under which they emigrated; and all persons who may emigrate to Texas during her conflict for Constitutional Liberty, and perform the duties of Citizens, shall also receive the benefits of the law under which they emigrated.

## ARTICLE XVI.

The Governor and Council shall continue to exist as a Provisional Government until the re-assembling of this Consultation, or until other Delegates are elected by the people and another Government established.

## ARTICLE XVII.

This Convention, when it may think proper to adjourn, may stand adjourned, to meet at the town of Washington on the first day of March next, unless sooner called by the Executive and Council.

## ARTICLE XVIII.

All grants, sales and conveyances of lands, illegally or fraudulently made by the legislature of the State of Coahuila and Texas, located, or to be located, within the limits of Texas, are hereby solemnly declared null, void and of no effect.

## ARTICLE XIX.

All persons who leave the country in its present crisis, with a view to avoid a participation in its present struggle, without permission from the Alcalde, or Judge of their Municipality, shall forfeit all or any lands they may hold, or may have a claim to, for the benefit of this Government: *provided*, nevertheless, that widows and minors are not included in this provision.

## ARTICLE XX.

All monies now due or that may hereafter become due, on lands lying within the limits of Texas, and all public funds or revenues, shall be at the disposal of the Governor and General Council, and the receipt of the Treasurer shall be a sufficient voucher for any and all persons who may pay monies into the Treasury; and the Governor and Council shall have power to adopt a system of Revenue to meet the exigencies of the country.

## ARTICLE XXI.

Ample powers and authority shall be delegated, and are hereby given and delegated to the Governor and General Council of the Provisional Government of all Texas, to carry into full effect the provisions and resolutions adopted by "the Consultation of the chosen Delegates of all Texas in General Convention assembled," for the creation, establishment and regulation of said Provisional Government.

OF THE MILITARY.

ARTICLE I.

There shall be a Regular Army created for the protection of Texas during the present war.

ARTICLE II.

The Regular Army of Texas shall consist of one Major-General, who shall be Commander-in-Chief of all the forces called into public service during the war.

ARTICLE III.

The Commander-in-Chief of the Regular Army of Texas shall be appointed by the Convention, and commissioned by the Governor.

ARTICLE IV.

He shall be subject to the orders of the Governor and Council.

ARTICLE V.

His Staff shall consist of one Adjutant-General, one Inspector-General, one Quarter-Master-General, one Pay-Master-General, one Surgeon-General, and four Aids-de-Camp with their respective ranks, as in the United States Army in time of war, to be appointed by the Major-General and commissioned by the Governor.

ARTICLE VI.

The regular Army of Texas shall consist of men enlisted for two years, and volunteers for and during the continuance of war.

ARTICLE VII.

The regular Army of Texas, while in the service, shall be governed by the rules, regulations and discipline, in all respects applicable to the regular Army of the United States of America, in time of war, so far as applicable to our condition and circumstances.

ARTICLE VIII.

The regular Army of Texas shall consist of eleven hundred and twenty men rank and file.

## ARTICLE IX.

There shall be a corps of Rangers under the command of a Major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battallion, under the Commander-in-Chief when in the field.

## ARTICLE X.

The Militia of Texas shall be organized as follows: all able bodied men over sixteen, and under fifty years of age, shall be subject to Militia duty.

## ARTICLE XI.

Every inhabitant of Texas, coming within purview of the preceding article shall, on the the third Monday of December next, or as soon thereafter as practicable, assemble at each precinct of their municipality and proceed to elect one captain, one first lieutenant, and one second lieutenant to every fifty-six men.

## ARTICLE XII.

When said election shall have taken place, the judges shall certify to the Governor, forthwith the names of the respective officers elected, who shall, as soon as practicable, make out and sign, and transmit commissions for the same; that if there shall be found to exist any municipality, more than three Companies, the captain, or commandants on giving due notice thereof shall call together the subalterns of said Companies, and proceed to elect one Major; if of four Companies, one Lieutenant Colonel; if of five or more Companies, one Colonel, for the command of said Companies, which shall constitute a regiment of said municipality; that if there shall be found to exist more than one regiment in said municipality, the whole number of field and Company officers, shall on due notice proceed to elect a Brigadier-General, out of their number who shall command the whole Militia in said municipality.

BRANCH TANNER ARCHER,  
*President.*

*Municipality of Austin.*

Wyly Martin,  
R. Jones,  
Jesse Burnham,  
William Menifee.

*Municipality of San Augustine.*

A. Houston,  
William N. Sigler,  
A. E. C. Johnson,  
A. Horton,  
A. G. Kellogg.

*Municipality of Gonzales.*

Wm. S. Fisher,  
J. D. Clements,  
Geo. W. Davis,  
James Hodges,  
Wm. W. Arrington,  
Benjamin Fuqua.

*Municipality of Columbia.*

Henry Smith,  
John A. Wharton,  
Edwin Waller,  
John S. D. Byrom.

*Municipality of Washington.*

Philip Coe,  
E. Collard,  
Jesse Grimes,  
Asa Mitchell,  
Asa Hoxey.

*Municipality of Viesca.*

Sam T. Allen,  
A. G. Perry,  
A. G. W. Pierson,  
Alexander Thompson,  
Jas. W. Parker.

*Municipality of Nacogdoches.*

Samuel Houston,  
James W. Robinson,  
William Whitaker,  
Daniel Parker,  
William N. Sigler.

*Municipality of Mina.*

D. C. Barrett,  
J. S. Lester,  
R. M. Williamson.

*Municipality of Liberty.*

Henry Millard,  
B. Woods,  
A. B. Hardin.

*Municipality of Harrisburg.*

Lorenzo De Zavalla,  
C. C. Dyer,  
John W. Moore,  
M. W. Smith,  
David B. Macomb,  
Geo. M. Patrick.

*Municipality of Bevil.*

S. H. Everritt,  
John Bevil,  
Wyatt Hanks.

*Municipality of Jefferson.*

Claiborne West.

*Municipality of Matagorda.*

R. R. Royal,  
Charles Wilson.

*Municipality of Tenchaw.*

Martin Parmer.

P. B. DEXTER, Secretary.

*An Ordinance making provision for the Army now in the field.*

*Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of all Texas, That a contractor for the present Volunteer Army be forthwith appointed, and that he be hereby required, to purchase and forward to headquarters for the use of the present Army now in the field, as speedily as possible the following named supplies—to wit:*

- 25 Camp Kettles,
- 666 Cotton Shirts,
- 666 Pr. Pantaloones,
- 333 Vests,
- 33 Ready made Tents or Tent Cloths with thread and needles.
- 333 Roundabouts,
- 666 Pr. Socks,
- 200 Blankets—3 point—[all to be of cheap and durable texture.]
- 1,000 lbs. Coffee,
- 1,000 lbs. Sugar,
- 1,000 lbs. Salt,
- 500 do Soap,
- 100 bls. Candles, 50 Short handle frying Pans,
- 1 Sett Amputating or Army Surgical Instruments,
- 20 lb. Patent Lint, 10 yds. Patent adhesive plaster,
- 2 dozen Shovels, 20 lb. Arrow Root,
- 25 lb. Patent Groats, 20 lb. Pearl Barley,
- 5 lb. Carbonate of Amonia, 1 qr. dozen Crown Lancets,
- 20 Axes, 2 dozen Spades.

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SEC. 2. *Be it further ordained and decreed by the authority aforesaid, That John W. Moore be and he is hereby appointed, contractor to purchase and transmit to the Army aforesaid the above named articles to the Commander-in-Chief, and that he immediately proceed to the discharge of the duties assigned him, and that he be vested with full power and authority to pledge the public faith, for the payment of such debts as he may contract by virtue of his said appointment.*

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio President of the General Council.

Attest, P. B. DEXTER, Secretary of the General Council.

Approved 19th Nov. 1835.

HENRY SMITH, Governor.

C. B. STEWART, Secretary to the Executive and Recording  
Clerk.

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*Resolution approving the appointment of Lieut.  
Bonnill, &c.*

WHEREAS, Major-General Samuel Houston Commander-in-Chief of the forces in Texas has received a tender of the services of Lieut. Joseph Bonnill of the U. S. Army, and his expressing a decided wish to accept the services of Mr. Bonnill as an accomplished officer:

THEREFORE, *Be it resolved by the Governor and General Council*, That we recommend the acceptance of the services of Mr. Bonnill, and his appointment to the situation of Aid-de-Camp to the Commander-in-Chief.

Passed at San Felipe de Austin Nov. 22d, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio President of the General Council.  
P. B. DEXTER, Secretary of General Council.

Approved 22d Nov. 1835.

HENRY SMITH, Governor.

C. B. STEWART, Secretary to the Executive, &c. &c.

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*An Ordinance and Decree regulating Offices under the  
Provisional Government.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of Texas*, That the Executive, Legislative and Judicial Departments of this Provisional Government, being separate and distinct, any person accepting an appointment or commission in any one of those departments, shall by that act vacate any office he may have before held in any other department

of this Government, and any person holding an office, appointment, or commission, under this Government in the executive or judicial department or in the regular army of Texas, shall not be eligible to a seat as a member of the General Council.

Council Hall at San Felipe de Austin, Nov. 20, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio President of the General Council.

P. B. DEXTER, Sec'y General Council

Approved 23d Nov. 1835.

HENRY SMITH, Governor.

C. B. STEWART, Secretary to the Executive and Recording Clerk.

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*An Ordinance declaring the mode of passing, signing, and publishing the Ordinances, Decrees and Resolutions of the Provisional Government of Texas.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That all ordinances, decrees, and resolutions after being finally passed by the General Council, shall be copied in a fair hand with all the amendments, by the clerk of the Committee from which the bill originated, when the same shall be endorsed "passed" with the date of its passage, be signed by the President of the said Council and attested by the Secretary thereof, when the said bill so endorsed and signed, shall be forthwith sent to the Governor for approval and signature, which if not approved by him and returned within three full days, from the time of its being received in the Executive office, it shall be in full force; but if within the three days aforesaid, the Governor shall refuse his approval and signature, it shall be his duty within that time to return the said bill or ordinance to the General Council with his reasons therefor in writing. When the said bill or ordinance shall be re-considered by the Council aforesaid, and on the concurrence of two-thirds of all the members, shall be in full force and effect.*

SEC. 2. *Be it further ordained and decreed, and it is*

*hereby ordained and decreed by the authority aforesaid,*  
That it shall be the duty of the Governor to cause all the de-  
crees and ordinances passed by the Provisional Government,  
to be published in one or more public newspapers in Texas,  
to be designated by himself, which he shall previously contract  
to have done, with the proprietor upon the lowest and best  
terms, and when so contracted with, the said proprietor or  
publisher shall be called — The publisher of the Laws of  
Texas.

Passed at San Felipe de Austin Nov. 20, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. &c., ex-officio President of the General Council.

P. B. DEXTER, Secretary of General Council.

Approved Nov. 25, 1835.

HENRY SMITH, Governor.

C. B. STEWART, Recording Clerk, &c.

*An Ordinance and Decree, authorizing certain Officers to  
administer the Oath of Office prescribed by the Organic  
Law, creating a Provisional Government in Texas.*

*Be it ordained and decreed by the General Council of all  
Texas,* That the Oath of Office prescribed by the Organic Law,  
creating and establishing a Provisional Government in Texas,  
may be administered by any Judicial or Executive Officer  
under this Government, or by the President or Secretary of  
the General Council, or by any Field Officer of the Regular  
Army of Texas; and that a duplicate copy of the Oath, when  
so administered, shall be forwarded to the Governor, and be  
filed among the Archives of the Executive Office.

Passed at San Felipe de Austin, November 24, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Prest. &c.

Approved, Nov. 25, 1835.

HENRY SMITH,

Governor.

C. B. STEWART,

Sec'y to Executive.

*An Ordinance to authorize and empower Thomas F. M'Kinney, of Velasco, to borrow one hundred thousand Dollars, and making it the duty of the Governor to give him corresponding Commission Instructions, &c.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That Thomas F. M'Kinney, of Velasco, be, and is hereby authorized and empowered, in behalf of the Provisional Government aforesaid, to borrow as speedily as possible, the sum of one hundred thousand Dollars, to be negotiated as a temporary Loan, payable from the first permanent Loans which may be effected for and in behalf of the Government aforesaid, on the most advantageous terms, as regards time and rate per cent., which the money market may afford:— provided, nevertheless, that said Loan shall not be effected so as to require payment in a less time than one year, and the rate of interest not exceeding ten per cent. per annum.*

SEC. 2. *And be it further ordained and decreed, That it shall be, and it is hereby made the duty of the Governor, immediately on the final passage of this Ordinance, to commission, advise and instruct the aforesaid Thomas F. M'Kinney to execute and perform the requirements of this Ordinance, keeping in view the authority and instructions received by the said Thomas F. M'Kinney from the former Council, whereof R. R. Royal was President, upon the same subject—and hereby confirming all the acts of said M'Kinney, done and performed under the direction of the Council last mentioned, regarding the loan as aforesaid*

Passed at San Felipe de Austin, Nov. 21, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

Attest, P. R. DEXTER,

Sec'y of General Council.

Rejected by the Governor and passed by the required majority, as follows:

Ayes—Messrs. Barrett, Clements, Grimes, Hanks, Harris, Millard, Parmer, Parker, Powers, West, Westover and Wilson, November 24, 1835,

Attest, P. B. DEXTER, Sec'y G. C.

Passed by a constitutional majority, Nov. 26, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Executive Secretary.

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*An Ordinance prescribing the manner and form of settling  
the Accounts of the Volunteer Army of Texas.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That all bills, accounts, claims, debts, dues or demands, that are now or may "hereafter be due or owing by this or a future Government, to any person or persons, for money, corn, provisions, stores, clothing, medicines, forage, arms, ammunition, horses, mules, oxen, waggons, boats, transportation, or any service whatever rendered or furnished, to and for the Volunteer Army of the people of Texas, now in the field, shall, before the same be admitted to audit and liquidation before the Standing Committee on War Affairs, of this House, or the proper department of a future Government, containing the day, date, name and description of the article or sum furnished, and place, and the certificate of the Standing Committee of Safety and Vigilance, or the order or certificate of the commanding officer or Colonel of the Regiment, or company by whose order and at whose requisition the same may have been rendered or furnished: or the receipt of the contractor, commissary or quarter-master to whom the same may have been furnished and delivered, together with the oath or affirmation before any Judge or Alcalde, of the person or persons so presenting the same for liquidation, that the said accounts, debts, dues, demands, or services were at the time and place specified, supplied, furnished, or rendered, made use of, delivered, pressed or taken, lost or killed in the service of the Volunteer Armies of the people of Texas aforesaid.*

SEC. 2. *Be it further ordained and decreed, &c., That the Committee on War Affairs, of this Council, or the same department of this or a future Government shall, and they are hereby required to settle, audit, liquidate and pass all bills, accounts, debts, dues and demands*

coming within the purview of the preceding section of this Ordinance on liberal and equitable principles, whenever the circumstances of the case shall, in their discretion or judgment, admit or warrant the same.

Passed at San Felipe de Austin, Nov. 24, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

P. B. DEXTER,  
Sec'y of Gen. Council.

Approved, Nov. 26, 1835.

HENRY SMITH,  
Governor.

C. W. STEWART,  
Executive Secretary. &c.

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*An Ordinance and Decree to establish and organize a  
Corps of Rangers.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That there shall be, and there is hereby created and established a Corps of Rangers, which shall consist of three companies of fifty-six men each, with one Captain, one Lieutenant, and one second Lieutenant for each company; and there shall be one Major to command the said companies, who shall be subject to the orders and direction of the Commander-in-Chief of the Regular Army.*

SEC. 2. *Be it further ordained and decreed, &c., That the privates of said Corps shall be enlisted for one year, and shall receive, as a full compensation for pay, rations, clothing and horse service, one dollar and twenty-five cents per day for themselves and service of their horses; and the said privates shall be, and they are hereby required to be always ready armed and equipped, and supplied with one hundred rounds of powder and ball, and to have always ready for active service, a good and sufficient horse, properly accoutred and equipped with saddle, bridle and blanket, at their own expense; and in default thereof, the captain or commanding officer of the said company to which said private belongs, shall cause a horse to be purchased for said private and charge him*

with the same, in the settlement of his quarterly accounts.

SEC. 3. *Be it further ordained and decreed, &c.,* That the officer in the said Corps, in addition to the per diem compensation of the privates in the Corps of Rangers, shall receive the same pay as the officers of the same rank and grade in the Regiment of Dragoons in the Army of the United States of America.

Passed at San Felipe de Austin, Nov. 24, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

P. B. DEXTER,

Sec'y of the Gen. Council.

Approved, Nov. 26, 1835.

HENRY SMITH,

Governor.

CHARLES B. STEWART,

Executive Secretary.

*An Ordinance and Decree to raise a Regular Army.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That there shall be, and there is hereby created a Regular Army, to consist of one thousand one hundred and twenty men, who shall be enlisted for two years or during the War: that the said Army shall contain one Regiment of Artillery and one Regiment of Infantry—each Regiment two Battalions, each Battallion five companies, each company fifty-six men rank and file: that there shall be in the Regiment of Artillery, one Colonel, two Lieutenant Colonels, two Majors; and in each Company, one Captain, one First-Lieutenant, one Second-Lieutenant, and one Third-Lieutenant, and four Sergeants and four Corporals. That there shall be in the Regiment of Infantry, one Colonel, one Lieutenant Colonel, one Major; and in each Company, one Captain, one First Lieutenant and one Second Lieutenant, and four Sergeants and four Corporals.

SEC. 2. *And be it further ordained and decreed, &c.,* That the officers, non-commissioned officers and privates of the Regular Army of Texas shall receive the same

pay and emoluments, and be entitled to the same rations and clothing as the officers, non-commissioned officers and privates of the same rank and grade, in the Regular Army of the United States of America.

SEC. 3. *And be it further ordained and decreed, &c.,* That the Regiment of Artillery shall be drilled and exercised in the infantry as well as artillery service; and the Regiment of Infantry shall be drilled and exercised in the rifle as well as infantry service.

SEC. 4. *And be it further ordained and decreed, &c.,* That the officers, non-commissioned officers and privates of the Army of Texas shall be governed by, and subject to the same rules and regulations, and the same field, camp and garrison service, duty and discipline as the officers, non-commissioned officers and privates of the Army of the United States of America.

SEC. 5. *And be it further ordained and decreed, &c.,* That every non-commissioned officer and private of the Regular Army of Texas shall receive, and it is hereby granted to him, his heirs, legal representatives or assigns, one mile square or six hundred and forty acres of land, in Texas, after he shall have received an honorable discharge, to which he shall be entitled for a faithful service agreeably to the terms of his enlistment.

SEC. 6. *And be it further ordained and decreed, &c.,* That there shall be enlisted for each Company, in addition to the rank and file, one drummer and one fifer, who shall be each entitled to the pay, rations and clothing of a sergeant, and shall be entitled to the same bounty in land as the non-commissioned officers and privates of the Regular Army.

Passed at San Felipe de Austin, Nov. 24, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

P. B. DEXTER,

Sec'y to Gen. Council.

Approved, November 26, 1835.

HENRY SMITH,

Governor.

C. B. STEWART,

Executive Secretary.

*An Ordinance and Decree for granting Letters of Marque and Reprisal.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas,* That the Governor, by and with the advice and consent of the General Council, shall have power to grant Letters of Marque and Reprisal; and that all persons applying for such Letters of Marque and Reprisal shall be men of known character, standing and skill as naval tacticians; and no license shall be granted to any vessel under eighty tons burthen, carrying less than four twelve pound carronades, or their equivalent in metal.

SEC. 2. *Be it further ordained and decreed,* That all vessels so licensed, shall cruise within the Gulf of Mexico, and shall be permitted, and they are hereby enjoined to make war upon, board, capture or make prize of all vessels sailing under the flag and under the commission of the Central Government of Mexico, and no other.

SEC. 3. *And be it further ordained and decreed,* That all prizes so captured, shall be ordered and brought into the ports of Texas, and shall be there adjudicated, and if condemned as such, shall be sold, and twenty per cent. of the proceeds paid into the Treasury of Texas, and the balance paid over to the captors or their legal representatives, or their assigns.

SEC. 4. *And be it further ordained and decreed,* That no Commission or Letter of Marque and Reprisal shall be granted for a less term than three months, or a longer than six months; and shall, in all cases, expire at the end of the war between Texas and the Central Government of Mexico.

SEC. 5. *And be it further ordained and decreed,* That it shall be the duty of the Governor, upon issuing any license or commission to any person possessing the requisite qualifications as enumerated in section 1st of of this Ordinance, to accompany the same with instructions of the principles and restrictions of this Ordinance of the General Council, authorizing and granting Letters of Marque and Reprisal.

Passed at San Felipe de Austin, Nov. 25, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, November 27, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Executive Secretary.

*An Ordinance for appointing a Treasurer to the Provisional Government of Texas, a Secretary to the Executive, and two Chief Clerks, defining their several duties, &c.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That there shall be appointed one Treasurer to the Provisional Government of Texas, who shall give bond and security to the Governor of the Provisional Government and his successors in office, in the sum of one hundred thousand dollars for the true and faithful performance of the several duties of his office as hereinafter specified, or which may hereafter be required of him by the General Council.*

It shall be the duty of the Treasurer to receive, disburse and pay over to the order of the proper authority, all monies and securities belonging to the Provisional Government of Texas.

It shall be his duty to keep a book, wherein shall be entered, in a fair and legible hand writing, all the monies or securities received, and from whom received, and give triplicate receipts for the same; a duplicate of which shall be filed in the office of the said Treasurer, and the triplicate filed in the office of the Executive: also, it shall be his duty to have another book, to be kept in like manner, wherein he shall make a full entry of all disbursements or monies paid out, taking duplicate receipts therefor, one of which, with the order upon which he shall pay over the money, he shall keep and file in his office, and deliver the other to be filed in the office of the Executive. All demands upon the Treasurer shall be upon the order of the

General Council, approved and signed by the Governor, and attested by the Secretary of the Executive. The Treasurer shall do and perform all the duties incident to his office, by and with the advice of the Committee of Finance, unless otherwise provided for by the General Council; and shall, at all times, keep his office at the place where the Governor and Council shall be located.

SEC. 2. *Be it further ordained and decreed,* That there shall be appointed a Secretary to the Executive, who shall also be the Recording Clerk of the General Council, whose duties shall be to keep a fair and full record of all the proceedings of the Executive Office, copies of the public correspondence of that office; and to do and perform such other duties as may be required of him by the Governor, pertaining to his office: and, also, it is made his duty to record all the Ordinances, Decrees and Resolutions, and other public acts of the General Council, in a fair hand and in a book suited to the purpose, from time to time as they shall be delivered to him by the Secretary of said General Council, whose duty it shall be to deliver the originals of all the said ordinances, decrees, resolutions, or other public acts of the said Council, so soon as they may have severally passed the necessary forms for becoming a law; and when they shall have been so recorded, the originals shall be returned by the Secretary of the Executive to the Secretary of the General Council, who shall preserve and file the same, in proper order, in his office; and the Book of Records shall remain and be kept in the office of the Executive of the Provisional Government, subject to the examination of all concerned.

SEC. 3. *And be it further ordained and decreed, &c.,* That there shall be appointed, two Chief Clerks of the present Standing Committees of the General Council, one of whom shall perform the duties of Chief Clerk to the Committee on "State Affairs and Judiciary" and to the "Committee on Finance" and the other shall, in like manner, perform the duties of chief clerk to the "Military Committee" and all the remaining standing committees of the Council. And the duties of the aforesaid Chief Clerks shall be, to transcribe such proceedings of the several Committees as may be required of them, and

enrol all ordinances and decrees originating with said Committees, for final passage, and subject to such other duties and regulations as may, from time to time, be adopted by the General Council.

SEC. 4. *And be it further ordained and decreed,* That the compensation to the Treasurer for his services, shall be one thousand dollars per annum, with office rent and the necessary clerk hire, to be determined by the General Council, on the proper representation of the said Treasurer; and that the Secretary of the General Council, and the Secretary of the Executive, and Recording Clerk of the General Council shall receive for their respective services, five dollars per diem; and that the several Chief Clerks of the Committees, as aforesaid, shall receive for services five dollars per diem.

SEC. 5. *And be it further ordained and decreed,* That all public correspondence of the Provisional Government of Texas shall be conducted through the medium of the Executive Department, unless in cases hereafter otherwise expressly provided, and shall be on file in the office of the said Executive, subject, at all times, to the call of the General Council, or to be seen or read by any member thereof; and all the archives and records of the several Political Chiefs of Texas shall, immediately after the final passage of this Bill, be demanded by the Governor, and the necessary measures resorted to for securing possession of the same, at the same time notifying the said Political Chiefs, that they are commanded to cease their functions in the several departments; and when the said archives and records shall have been secured by the Governor, the same shall be regularly filed in the Executive Office, among the public archives of Texas.

SEC. 6. *And be it further ordained and decreed,* That the Secretary of the General Council shall be required to be present at all the meetings and sessions of the said Council, and under directions of the President, to keep a true, full and correct entry of all the proceedings of that body, subject, on revisal, to any correction voted by the majority thereof. He shall keep on file all reports, resolutions, ordinances, decrees and all other papers of his office; and also shall transcribe all the daily proceedings of the said Council, in a book to be provided by him for that purpose; excepting, nevertheless, such pro-

ceedings as are required to be recorded by the Secretary of the Executive—the originals thereof are to be kept on file in the office of the Secretary of the General Council; and any member of the General Council, or of the Executive Department, shall, at all seasonable hours, in presence of the Secretary aforesaid, have free access to the said book or files of papers, to examine in his office, require copies whenever they shall think necessary for performing their official duties, which shall be made by the said Secretary of the General Council; and when, in the opinion of the said Council, the duties of the said Secretary shall require a clerk, the same shall be allowed with a suitable compensation, to be fixed by that body.

Passed at San Felipe de Austin Nov. 24, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

P. B. DEXTER,

Sec'y of Gen. Council.

Approved, November 26, 1835.

HENRY SMITH,

Governor.

CHAS. B. STEWART,

Sec'y of Executive, Recorder, &c.

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*An Ordinance and Decree establishing a Navy.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas,* That there shall be, and there is hereby established a Navy, to consist of two schooners of twelve guns each, and two schooners of six guns each, with the requisite number of officers, seamen and marines for each schooner; and that the said schooners shall, as soon as practicable, be purchased, armed and equipped for warlike operations, offensive and defensive; and that they be put in commission and fitted out, and ordered into actual service; and the commander and officers of said Navy shall be under the orders and directions of the Governor and Council.

SEC. 2. *And be it further ordained and decreed, &c.,*

That the Governor, by and with the advice and consent of the Council, shall nominate and appoint to the command of said vessels, officers of good character, courage and ability as naval tacticians. And the said vessels, when so fitted out, manned and equipped for naval operations, shall rendezvous in Galveston Bay, and the commanders thereof report to the Governor for further orders.

Passed at San Felipe de Austin, Nov. 25, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, November 27, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive, Recorder, &c.

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*An Ordinance regulating the Militia.*

SEC. 1. *Be it resolved and decreed, and it is hereby resolved and decreed by the General Council of the Provisional Government of Texas,* That every free white able-bodied male inhabitant, over sixteen and under fifty years of age, shall be subject to Militia Duty.

SEC. 2. *Be it further resolved and decreed, &c.,* That there shall be appointed by the Governor in each and every Municipality, three Commissioners who shall, and it is hereby made their duty to lay off and divide, as soon as practicable, the said Municipality into Militia Precincts, having reference, as nearly as may be, to those already laid off and acknowledged heretofore; and shall immediately thereafter proclaim, publish and post the same at the head or rendezvous of such precinct, for at least ten days; and the said Commissioners, at the time of the publication aforesaid, shall give twenty days notice in the said precincts, that an election will be held for one Captain, one Lieutenant and one Second Lieutenant for said Militia Precinct.

SEC. 3. *Be it further ordained and decreed, &c.,* That the said Commissioners shall appoint three good and

suitable persons residing in said precincts as judges of election, who shall, at the time and place appointed after qualifying themselves and appointing a clerk, proceed to hold the aforesaid elections agreeably to notice; and no person shall be eligible to militia offices who is not a resident of such precinct, and liable to do militia duty aforesaid; and when the said election shall have closed, the Judges thereof shall make the return of the persons, so elected, within ten days, to the Governor, or Commander-in-Chief of the militia, who shall thereupon, issue commissions to the same, as officers of the Militia of Texas.

SEC. 4. *Be it further ordained and decreed, &c.,* That each company shall contain not less than fifty-six men, rank and file; and whenever there shall be found, in any precinct, one hundred and twelve men subject to militia duty, the Captain of said precinct shall subdivide and lay off the same into two or more precincts; and when there shall be found, in any two adjoining precincts of one Municipality, more than one hundred and sixty-eight men so liable as aforesaid, the Captains of said adjoining precincts in conjunction, shall subdivide the same into three or more precincts, as the case may be, and appoint a head or rendezvous therefor—holding in view the distance and convenience of mustering, and make return thereof to the office of the Alcalde of the Municipality as soon as practicable; and if the said Captains should disagree as to the mode or manner of laying off said precincts, the same shall be referred to the Judges and Alcalde, whose decision thereon shall be final.

SEC. 5. *Be it further ordained and decreed, &c.,* That whenever there shall be found to exist in any Municipality more than three Companies, the Captain or Commandant, on giving due notice thereof, shall call together the subalterns of said companies, and proceed to elect one Major; if of four companies, one Lieutenant-Colonel; if of five or more companies, one Colonel for the command of said companies, which shall constitute a Regiment for said Municipality. That if there shall be found to exist more than one Regiment in any one Municipality, the whole number of field and company officers shall, on due notice given by the senior Colonel of said Regiment, proceed to elect a Brigadier-General out of the said field

and company officers of said Regiment, who shall command the whole of the Militia in said Municipality.

SEC. 6. *And be it further ordained and decreed,* That there shall be, and there is hereby established, regular muster days in each and every year for the Militia of Texas; and that regular Company Musters be held on the first Saturday in April, Battallion Musters on the first Saturday in May, Regimental Musters on the first Saturday in September, and Brigade Musters on the first Saturday in October: that all the field, staff and company officers of each Bridage, on the first Saturday in March, shall be drilled and exercised as company officers and privates by the Brigadier-General, whose staff, appointed by himself, shall consist of one Aid-de-camp, one Brigade-Major, one Brigade-Quartermaster, all of whom shall have the rank of Major; and "one Brigade-Paymaster," (which last in the Ordinance immediately follows the words "Quartermaster," and precedes the words "all of whom.")

SEC. 7. *Be it further ordained and decreed,* That the Regimental Staff shall consist of one Adjutant, to be chosen from the officers of the line, one Quarter-master, one Paymaster, one Judge-Advocate, one Sergeant-Major, to be appointed by the Colonel.

SEC. 8. *Be it further ordained and decreed,* That the Governor, as Commander-in-Chief of the Militia, shall be entitled to four Aids-de-camp with the rank of Colonel.

Passed at San Felipe de Austin, Nov. 25, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, November 27, 1835.

HENRY SMITH, Governor.

CHARLES B. STEWART,

Sec'y of Executive, Recorder, &c.

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*An Ordinance and Decree for advancing the sum of fifteen hundred dollars for the benefit of the Volunteer Army of the People, under the command of General Stephen F. Austin, and other purposes.*

WHEREAS, General Stephen F. Austin, Commander-

in-Chief of the Volunteer Army of the people, has requested an advance of money, to be appropriated for the benefit of the army under his command, as being necessary to contribute to their aid, comfort and support—therefore,

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That there shall be advanced from the public funds of the said Provisional Government, and forwarded to the head-quarters of the army aforesaid, the sum of fifteen hundred dollars, to be handed over to the Commander-in-Chief of said army, General S. F. Austin, which, when done, the said General S. F. Austin is hereby required to receipt for the same; and which said sum of money, so advanced and forwarded, shall be appropriated by the said General S. F. Austin, at his discretion, for the best interest of the Army and Government of Texas; — he being required to account with the Treasurer of the Government aforesaid, for the manner in which he shall appropriate said money, accompanied with the customary and proper vouchers.

SEC. 2. *And be it further ordained and decreed, &c.,* That the money so appropriated by the first section of this Ordinance shall be forwarded, under the order and direction of the Governor of the Provisional Government aforesaid, by the hand of Thomas Gay, of the town of San Felipe de Austin, whose receipt therefor shall be a sufficient voucher for the execution of the foregoing Ordinance.

SEC. 3. *Be it further ordained and decreed, &c.,* That there shall be, and there is hereby appropriated the sum of one hundred and sixty dollars for the purchase of one or more horses for public use, which said horse or horses shall be, at all times, under the control of the Provisional Government.

SEC. 4. *And be it further ordained and decreed, &c.,* That the said Thomas Gay call on Andrew Ponton, Esq., Treasurer of the Municipality of Gonzales, and demand and receive such public monies as may be in his possession, and transmit the same to the General Council; and that the receipt of the said Thomas Gay, shall be a proper voucher for the said Ponton, in accounting for the

public monies in his hands, and paid over agreeably to this Ordinance.

Passed at San Felipe de Austin, Nov. 27, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y to Gen. Council.

Approved, November 27, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive, &c.

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*An Ordinance appointing a Commissary to take charge of  
Volunteers for the Army, and defining his duties.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That there be, and is hereby appointed, a Commissary, to be stationed at San Felipe; who shall, and it is hereby made his duty, to supply with suitable clothing, provisions and other means necessary for their immediate use, all volunteers passing through San Felipe, who are now, and shall hereafter be, on their way to the army.*

And it is hereby made the duty of all companies or detachments of troops, on their arrival at this place or any other point, to report a list or muster roll of names to the Governor, sworn to, with a tender of services, when the Governor shall have power to accept the same, and grant a certificate to the person heading the company or detachment; and when it is presented to the Commissary it shall be authority for him to act agreeably to this decree. And when their services are accepted, they shall proceed to the army, with the least possible delay, and report to the Commander for duty, until discharged by the Commander-in-Chief of the Army of the People.

*Be it further ordained and decreed, That the said Commissary be directed, and it is hereby made his duty, to*

keep a just and exact account of all articles—clothing, provisions, money and other necessaries so furnished, and to whom; and shall render a true account thereof to the Committee on War or Finance, who are hereby directed to audit and report the same to the Council accordingly.

*Be it further ordained and decreed,* That the said Commissary receive such pay for his time and services, as the Committee on War or Finance shall, in their judgment and discretion, direct—subject to the approval of this Council.

Passed at San Felipe de Austin, November 27, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

Attest, E. M. PEASE,  
Sec'y of Gen. Council.

Approved, November 30, 1835.

HENRY SMITH,  
Governor.

CHARLES B. STEWART,  
Sec'y to Executive, Recorder, &c.

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*An Ordinance and Decree supplemental to "An Ordinance and Decree, appointing a Commissary to take charge of the Volunteers of the Army, and defining his duties,"—*  
*Passed November 27th, 1835.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That the Commissary appointed in said Ordinance, shall furnish to the Committee on War or Finance, a list of the names of the volunteer or volunteers to whom he may have, agreeably to the provisions of the said Ordinance, furnished all or any of the articles enumerated in the first section of the said Ordinance, entitled as above; and the cost of said article or articles so furnished, shall be subsequently deducted from the pay of the said volunteer or volunteers, to which he or they

may be entitled for his or their services in the Volunteer Army of the people of Texas.

Passed at San Felipe de Austin, Nov. 28, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, November 25, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive, Recorder, &c.

*An Ordinance and Decree to purchase Munitions of War, Provisions, Arms, &c., for the Army of Texas and defence of the seacoast.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That the following items and articles contained under the heads of Munitions of War—provisions, arms, &c., scientific instruments, books and stationary, are, and they are hereby declared necessary for the use of the army and defence of the seacoast of Texas, and the said articles are hereby ordered and decreed to be purchased accordingly.*

MUNITIONS OF WAR, ARMS, &c.

4	12	pounders, mounted for	Field Service.
4	"	"	Fort do.
3	18	"	" do.
6	24	"	" do.
6	32	"	" do.
		with one hundred round shot for each cannon,	
2	13	inch howitzers, with two hundred bomb shells,	
2		pair shovels and pokers for hot shot,	
1,000		kegs cannon powder,	
300		yards flannel, together with all the necessary implements and accoutrements for field service, for the above cannon,	

300	yagers, 3 feet in barrel—1-4th twist, with moulds, &c.
600	muskets and bayonets, straps, cartridge boxes, &c.
200	Sergeants' swords with belts, &c.
200	pair Horsemen's pistols, with holtzers, moulds, &c.
200	kegs rifle powder ( <i>fff</i> )
4,000	musket balls,
8,000	lbs. of bar and pig lead,
1,000	butcher-knives and
1,000	tomahawks, well tempered, with handles,
20	drums and fifes, and
16	bugles, (6 <i>Kentish</i> )
6	stand regimental colours,
1	stand general colours,
100	Spanish Opperousas saddle-trees, with red blankets,
100	pr. stirrups,
100	“ spurs,
100	surcingles,
100	bridles and cabristras.
	A complete assortment of camp equipage and cooking utensils for one thousand men, with officers' marquees or tents for 65 officers,
1	Grand Marquee and General's Marquee, equipage and fly,
10	baggage wagons with gear for 60 horses,
150	axes,
150	spades,
50	mattocks,
3	sets carpenters' tools for field service,
6	“ blacksmiths' tools,
1	“ gunsmiths' tools, with anvil, bellows and portable forge,
200	soldiers' tents,
1,200	blankets, 3 1-2 point, French colored,
20	sets corn mills, or patent hand mills,
2,000	brogans, from 6 to 12,
2,000	suits grey uniforms, with proper number Sergeants' Corporals', &c.
2200	colored cotton shirts,

2,200	yarn socks,
5	army medicine chests,
1,000	canteens, last improved shape and size,
225	coffee pots, ( <i>part greques.</i> )

## PROVISIONS.

350	bbls. flour,
200	“ fine ship bread,
20,000	lbs. middling bacon,
50	bbls. mess pork, inspected,
15,000	lbs. coffee,
15,000	“ brown sugar,
20	bbls. cider vinegar,
5	“ whiskey,
5,000	lbs. soap,
5,000	“ candles,
50	bbls. peas and beans, ( <i>1st quality,</i> )
3,000	lbs Kentucky chewing tobacco,
120	gallons French Brandy,
120	“ Port Wine.

## INSTRUMENTS, BOOKS AND STATIONARY.

3	Thermometers ( <i>Farenheits</i> ) with cases,
1.	Chronometer with case,
6	Army Telescopes,
4	Spirit Levels,
100	copies Scott's Infantry Drill, or the last improved work,
26	“ Crop's Discipline and Regulations,
7	“ M'Comb on Courts Martial,
36	“ “ School of the Soldier and other improved works on Courts Martial, and Tactics on Fortifications, Civil and Geographical Engineering, and Gunning, &c., together with Instruments.

An assortment of blank forms of returns of Field, Staff and Company Officers, blank muster inspection and pay rolls, which can be had at any garrison in the United States.

3	portable Writing Desks with wax, wafers, quills, stationary, &c.
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Passed at San Felipe de Austin Nov. 27, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio President of the General Council.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, Nov. 30, 1835.

HENRY SMITH, Governor.  
C. B. STEWART, Sec'y to Executive, Recorder, &c.

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*An Ordinance and Decree to purchase Provisions for the  
Volunteer Army of the People of Texas.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the Provisional Government, That one hundred barrels of flour, one hundred barrels of sea bread or biscuit, and twenty-five barrels of peas or beans, shall be, and they are hereby ordered to be purchased, as soon as practicable, at Matagorda or the nearest place where they can be obtained, for the use of the Volunteer Army of the People of Texas.*

SEC. 2. *Be it ordained and decreed, &c., That John Dunn be appointed a Commissary to purchase the above articles contained in the preceding section; and that when so purchased he be directed, and it is hereby made his duty, to cause the same to be conveyed by water, to the Copano Landing, and from thence to be transported to Bexar as soon as possible, for the use of the army stationed there. And the said Commissary shall keep a true and just account of the purchase, cost and transportation of the said articles, aforesaid, to the place of their destination, and shall render the same to the Committee on Finance, for audit, liquidation and final settlement, or to the proper Account Officers that may hereafter be appointed for that purpose.*

Passed at San Felipe de Austin, Nov. 28, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, 30th Nov. 1835.

HENRY SMITH, Governor.  
C. B. STEWART, Sec'y to Executive.

*An Ordinance and decree supplementary to an "Ordinance and Decree" entitled, "An Ordinance and Decree granting Letters of Marque and Reprisal," dated November 25th, 1835.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That the Governor be, and he is hereby authorized and empowered to issue not more than three blank commissions of Letters of Marque and Reprisal to Thomas F. McKinney and Silas Dinsmore, of Velasco; and, also, not more than six blank commissions of Letters of Marque and Reprisal, aforesaid, to Samuel Whiting, of Trinity River, Texas—all of whom shall be, and they are hereby authorized, to fill up such commission or commissions, with the name or names of such individuals, applicants therefor, as shall come within the purview and provisions of the Ordinance and Decree granting Letters of Marque and Reprisal, passed November 25th, 1835.*

SEC. 2. *Be it further ordained and decreed, &c., That all vessels sailing under Licenses, as Letters of Marque and Reprisal, which have been, or may be hereafter granted by the Governor and Council, or by the Governor, as provided in this supplementary Ordinance, or under any register or license of this Government, shall carry the flag of the Republic of the United States of Mexico, and shall have the figures 1, 8, 2, 4, cyphered in large Arabics on the white ground thereof.*

SEC. 3. *Be it further ordained and decreed, &c., That ten per cent. and no more, on all vessels or prizes condemned in the ports of Texas as prizes to Letters of Marque and Reprisal, shall be paid by the captors to the Provisional Government of Texas—anything to the contrary, notwithstanding, in the "Ordinance and Decree granting Letters of Marque and Reprisal," passed November 25th, 1835.*

Passed at San Felipe de Austin, Nov. 29, 1835.

(Signed) JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE, Sec'y to G. C.

Approved, November 30, 1835.

HENRY SMITH, Governor.

C. B. STEWART, Ex. Sec'y, &c.

*An Ordinance and Decree, authorizing and requiring the Governor to appoint a Commissioner in the several Municipalities to administer Oaths, &c.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of Texas, That the Governor be, and he is hereby authorized to appoint a Commissioner in each Municipality to administer the Oath of Office to the Judges and other Municipal Officers, where they have not already been provided for; and that the Governor cause the Commissioner, so appointed, to be informed of his appointment, and transmit to him a copy of this Ordinance.*

Passed at San Felipe de Austin, Nov. 30, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, December 1, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,

Executive Sec'y. Recorder, &c.

*An Ordinance and Decree, authorizing the Governor to grant Registers to Vessels.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That upon application, in due form, for a register of a vessel, by any person or persons residing in Texas and claiming the privileges of citizenship, it shall be the duty of the Governor to grant such register, which shall contain a description of the vessel, her tonnage, and the names of owners; and she shall sail under the flag, and shall be considered under the protection of the country as a national vessel.*

SEC. 2. *And be it further ordained and decreed, That as soon as Collectors of the Customs shall be appointed to the ports of entry in Texas, it shall be the duty of the Governor to forward to said Collectors blank registers bearing his signature, which may be filled up by said*

collectors, and countersigned by them when registers may be required.

Passed at San Felipe de Austin, Nov. 30, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of the Gen. Council.

Approved, December 1, 1835.

HENRY SMITH,  
Governor.

CHARLES B. STEWART,  
Executive Secretary, &c.

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*An Ordinance and Decree for supplying the Army of the people, now in the field before Bexar, with money, and for other purposes.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That there shall be advanced from the public funds of the said Provisional Government, and forwarded to the Commander of the Army aforesaid, the sum of eight hundred dollars, to be paid over to the Commander of the Army aforesaid—which, when done, he is hereby required to receipt for the same; and which said sum of money, so advanced and forwarded, shall be appropriated by the said Commander, at his discretion, for the best interests of the Army and Government of Texas:—he being required to account with the Treasurer of the Government aforesaid, for the manner in which he shall appropriate said money, accompanied with the proper vouchers.*

SEC. 2. *Be it further ordained and decreed, That six hundred dollars of the money so appropriated by the first section of this Ordinance, the Treasurer is hereby authorized and required to pay over to Thomas Gay, Esq., of the town of San Felipe, whose receipt shall be a proper voucher for said Treasurer.*

SEC. 3. *And be it further ordained and decreed, That the said Thomas Gay is hereby authorized and empowered to call on Andrew Ponton, Esq., Treasurer of the Municipality of Gonzales, and demand and receive of said-*

Treasurer two hundred dollars, making up the sum of eight hundred dollars aforesaid: the receipt of said Thomas Gay, Esq., signed duplicate, one of which shall be filed in the Executive office, shall be a sufficient voucher for said Ponton, Treasurer aforesaid, in his settlement with the Government aforesaid.

SEC. 4. *And be it further ordained and decreed*, That Matthew Caldwell, Esq., Deputy Contractor for the army aforesaid, is hereby authorized by the Provisional Government aforesaid, to draw orders on Andrew Ponton, Treasurer aforesaid, to pay for provisions, transportation and other contingencies for the army aforesaid, the said Matthew Caldwell specifying in said orders or receipts, the articles for which the same may have been given.

SEC. 5. *And be it further ordained and decreed by the Provisional Government aforesaid*, That an "Ordinance and Decree for advancing the sum of fifteen hundred dollars for the benefit of the Volunteer Army of the People under the command of General S. F. Austin, and other purposes," be, and is hereby, repealed; and that the said Thomas Gay be directed to return to the Treasurer, the money he may have received by virtue of said Ordinance, which is so repealed.

Passed at San Felipe de Austin, December 1, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.  
Approved Dec. 2, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive.

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*An Ordinance and Decree for the relief of Lancelot Smithers and others.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas*, That the Treasurer of the Provisional Government of Texas, in pursuance of a Report adopted by

the General Council, be authorized, and is hereby required to pay Lancelot Smithers the sum of two hundred and seventy dollars, as set forth in the first and fifth items of his account, for losses sustained and services rendered while in the service in the country, in the Volunteer Army of Texas: the above amount to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 2. *Be it further ordained and decreed*, That the Treasurer be required to pay to Thomas I. Shaw forty dollars; to H. H. Sockridge the sum of thirty five dollars; to James D. Elliott the sum of thirty dollars, taking duplicate receipts and depositing one in the Executive Office, from the above named persons, individually, for the sums so paid out—the same being for monies paid out by the above individuals, when sick on the road, while in the service of Texas, and provided for by an Ordinance of the Convention not yet carried into effect.

Passed at San Felipe de Austin Dec. 1, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 2, 1835.

HENRY SMITH, Governor.

C. B. STEWART, Sec'y to Executive, &c.

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*Resolution for changing the name of the Municipality of  
Bevil to Jasper.*

*Be it resolved*, That the name of the Municipality of Bevil be, and it is hereby altered and changed to that of the Municipality of Jasper, and that the public business and proceedings of said Municipality, be in the name and style of Jasper instead of Bevil.

Passed at San Felipe de Austin, Dec. 1st, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio President of the General Council.  
E. M. PEASE, Sec'y of General Council.

Approved, 3d Dec. 1835.

HENRY SMITH, Governor.

C. B. STEWART, Sec'y to Executive, &c.

*An Ordinance and Decree, making it the duty of the Governor to issue a Special Commission and Warrant in the case of Wm. H. Steele, &c.*

WHEREAS, the consultation of the chosen delegate of all Texas, in General Convention assembled, by the 14th section of the Organic Law of the Provisional Government, made provision for the appointment of certain commissioners to carry into effect the requisitions of the said 14th section to be executed under the order of the Provisional Government; "Whereas W. H. Steele of Viesca, acting as a commissioner of deeds for the Nashville Colony, has denied and contemned the powers of the consultation aforesaid, and refuses to obey the command of the Provisional Government issued through the proper officer; Therefore *be it ordained and decreed by the General Council of the Provisional Government of Texas*, That the Governor of the Provisional Government aforesaid be required, and it is hereby made his duty, to issue a special commission and warrant of arrest to J. L. Hood, or to such other person or persons as he may think proper to carry into effect the 14th section of the Organic Law aforesaid, and to arrest the person of the said W. H. Steele, and him forthwith to bring before the General Council, of the Provisional Government aforesaid, to answer for his contumely and contempt of the governmental authorities of the Provisional Government of Texas, created and adopted by the people's representatives in General Convention assembled, *provided*, in case of resistance on the part of the said W. H. Steele, the said J. L. Hood, or whomsoever the Governor may appoint, shall be empowered by a writ of assistance to be issued by the Governor, at the same time with the special commission, to command, in the name of the people, all officers, whether civil or military, and all good citizens to give aid, and to be aiding and assisting the said J. L. Hood, in order to carry into effect the mandates of the Provisional Government, as required by the 14th section of the law, formed by the General Convention, and the commands of the special commission aforesaid.

Passed at San Felipe de Austin, Dec. 2nd, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE, Sec'y of General Council.  
Approved, 3rd Dec. 1835.

HENRY SMITH,  
Governor.

CHAS. B. STEWART, Sec'y of Executive.

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*An Ordinance and Decree, to raise a Loan for the use of  
the Provisional Government of Texas.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That there shall be, and there is hereby created, a loan of one million of dollars for the use of the Provisional Government of Texas.*

SEC. 2. *Be it further ordained and decreed, &c., That the Commissioners appointed by the General Convention, Stephen F. Austin, Branch T. Archer, and William H. Wharton, as agents of the Provisional Government to the U. States of the North, a majority of them, or either of them, or such other commissioner or commissioners as shall hereafter be appointed by the General Council of the Provisional Government aforesaid, be instructed to negotiate the said loan of one million of dollars, or such part thereof as they can effect, upon the best terms the market affords, not exceeding ten per cent. per annum.*

SEC. 3. *Be it further ordained and decreed, &c., That the Governor shall immediately cause to be made out, ten several bonds or obligations, conditioned for the payment of one hundred thousand dollars each, for a period of not less than five, or more than ten years, payable at the city of New York, or any city of the United States, as the case may be: The said bonds shall be signed by the Governor and President of the General Council, and attested by the Secretaries thereof, and when so made out, signed and attested as aforesaid, the Governor shall deliver the same to the said commissioner or commissioners, appointed as aforesaid, who are hereby directed to proceed forthwith to the United States, and then and there, by all proper ways and means, by sale or pledge of said bonds, to effect the said loan or loans, or in such other manner as the said commissioner or commission-*

ers may be instructed, and if the said bonds shall be so sold or pledged, the said commissioner or commissioners are hereby required, and it is hereby made their duty, to require the purchasers thereof, or the persons to whom the same may have been pledged, or loan otherwise effected, to deposit and place the money for which the said bonds are sold or pledged, or loan otherwise effected, to the credit of the Provisional Government of Texas, in the Union Bank of Louisiana, at New Orleans, subject to be drawn for in such manner as the Provisional Government may hereafter direct.

SEC. 4. *And be it further ordained and decreed, &c.*, That it shall be the duty of the Governor to give such instructions to the said commissioner or commissioners, as the General Council shall order and direct for effecting the loan aforesaid.

Passed at San Felipe de Austin, Dec. 4th, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of General Council.

Approved, 5th Dec. 1835.

HENRY SMITH,  
Governor.

CHAS. B. STEWART,  
Sec'y, &c.

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*An Ordinance creating a Municipality off of, and from the West side of the present Municipality of Matagorda to be called the Municipality of Jackson.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That a municipality shall be created off of, and from the west side of the present Municipality of Matagorda, the same shall be known, by the name of the Municipality of Jackson, and the Capital shall be at the town of Texana, lately known as Santa Anna.

The Municipality of *Jackson* is to be comprehended in the following boundaries, to wit: beginning at a point on Matagorda Bay, equi distant from the Tres Palacios,

and Carancahua Bayous, and from thence running by a dividing line, to the head waters of the Tres Palacios Bayou, and from thence a due North course to the Northern boundary line of the Municipality of Matagorda; thence along said boundary line a due west course to the La Bacca River; thence down the centre of the said River, to the anchorage ground of the La Bacca Bay, in the Matagorda Bay; thence to the Eastward along the Northern shore of Matagorda Bay to the place of beginning.

The said Jackson Municipality shall be entitled to all the functionaries which the other Municipalities are, or may be, entitled to; and they shall be created in the same manner as in others.

Passed at San Felipe de Austin, Dec. 2, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, December 5, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Executive Secretary, &c.

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*An Ordinance and Decree altering and changing the manner of drawing Drafts on the Treasurer, &c.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed,* That the Committee of Finance be authorized, and it is hereby, made the duty of said Committee, on the final adjustment and settlement of any amount or amounts, where a balance is obtained of the Government, to draw an order upon the Treasurer for the amount found due, to be paid out of any monies not otherwise appropriated, which order shall be signed by the Chairman of said Committee, and shall be a sufficient voucher in the settlement of accounts with the Treasurer, who shall take receipts agreeably to an Ordinance of the General Council, passed on the 24th of

November; and so much of the said Ordinance which requires all orders upon the Treasurer to be passed by the General Council and signed by the Governor and Secretary, be, and the same is hereby repealed: *provided*, that the said Committee on Finance shall report all drafts or orders upon the Treasurer, to the General Council; and that the note thereof, specifying the amount and date thereof, may be entered upon the proceedings of this House.

SEC. 2. *And be it further ordained and decreed*, That all orders of appropriation of money, by the General Council of the Provisional Government of Texas, shall be referred to the Committee on Finance, who shall, in like manner, draw upon the Treasurer for the amount or amounts, in favor of the person or persons who is or are named to receive the same, as provided in the first section of this Ordinance.

Passed at San Felipe de Austin, Dec. 2, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y to Gen. Council.

Veto not sustained, but passed by the constitutional majority and signed 12th December, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive, &c.

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*An Ordinance and Decree to organize and establish an Auxiliary Volunteer Corps to the Army of Texas, and other purposes.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas*, That all volunteers who shall tender their services to the Government of Texas, for and during the war, under the organic laws thereof, shall report to the Governor or to the Commander-in-Chief of the Army, whose duty it shall be to accept their ser-

vices and make a corresponding report to the Governor, who shall issue commissions accordingly.

SEC. 2. *Be it further ordained and decreed, &c.*, That the commanding officer of a detachment, company, battalion or regiment, as aforesaid, shall, and it is hereby made his duty, upon his reporting to the Governor or to the Commander-in-Chief of the Army of Texas, to accompany said report with a muster-roll of his command, and he shall certify the same; and it shall be the duty of the Commander-in-Chief of the Army to forward the same to the Governor of Texas, after having caused to be taken and filed in his office, copies of the same.

SEC. 3. *Be it further ordained and decreed, &c.*, That the "Volunteer Auxilliary Corps," as aforesaid, shall be organized as follows:—Each platoon shall contain not less than twenty-eight men, rank and file; each company two platoons or fifty men, rank and file; each battalion five companies, or two hundred and eighty men, rank and file; each regiment two battalions, or five hundred and sixty men, rank and file: that each platoon may be officered by one First Lieutenant; each company, one Captain, one First Lieutenant and one Second Lieutenant; each battalion one Major, and each regiment one Colonel, one Lieutenant-Colonel, and one Major; and all volunteer officers shall take rank in their respective grades, according to the date of their commissions; and where there are several officers in any one grade of the same date of appointment, seniority of rank shall be determined by drawing numbers, which shall be done by order of the Commander-in-Chief of the Army.

SEC. 4. *Be it further ordained and decreed, &c.*, That each volunteer, who shall volunteer his services and is accepted by the Government, agreeably to the provisions of this Ordinance, shall receive the same pay, rations and clothing which was allowed by the laws of the United States, during their last war with Great Britain.

SEC. 5. *Be it further ordained and decreed, &c.*, That all volunteers who shall enter the service agreeably to the provisions of this decree, shall be entitled to one mile square, or six hundred and forty acres of land, to be selected out of the public domain of Texas; and all volunteers who shall become disabled in the service of Texas, and who shall be discharged therefor, before the

expiration of the term for which they volunteered, in consequence of inability or disability, shall receive the aforesaid one mile square, or six hundred and forty acres of land as a bounty.

SEC. 6. *Be it further ordained and decreed, &c.*, That if any volunteer or volunteers shall die in the service of Texas, then, and in that case, it shall be, and is hereby declared that their bounty of land shall descend to their heirs and legal representative or representatives, with all the benefits which the said volunteer could have claimed had he been living.

SEC. 7. *Be it further ordained and decreed, &c.*, That it shall be the duty of the Governor or the Commander-in-Chief to accept all volunteers who shall tender their services for a less time than during the war, agreeably to what he shall think the defence of the country and the good of the service may require; and all volunteers thus accepted, shall be allowed the same pay, clothing and rations that are allowed by this Ordinance, to the volunteers whose services are accepted for and during the war; and shall be placed upon the same footing with the Permanent Volunteers, except the allowance of the bounty of land.

SEC. 8. *Be it further ordained and decreed, &c.*, That when any vacancy shall occur in the Volunteer Corps of Texas, the same shall be filled by lineal or company promotion, as the case may be; and all the command subordinate to the station or appointment, which has been vacated by promotion, as before provided, all the rank and file of the command, as aforesaid, shall have a right to vote in the election.

SEC. 9. *Be it further ordained and decreed, &c.*, That when any vacancy shall occur in the Volunteer Corps, it shall be filled by company promotion; and that when promotions to fill vacancies are thus made, it shall be the duty of the Colonel, or volunteer officer highest in command, to order an election to fill the vacancy thus created by promotion, aforesaid; and the same shall be certified to the Commander-in-Chief, whose duty it shall be to forward the same to the Governor, who shall issue commissions accordingly.

SEC. 10. *Be it further ordained and decreed, &c.*, That all volunteers for three months, in the Auxiliary Volun-

teer Corps of Texas, shall be entitled to a bounty of three hundred and twenty acres of land, after receiving an honorable discharge.

SEC. 11. *Be it further ordained and decreed, &c.,* That there shall be allowed to each Regiment of the Regular Army of the Auxiliary Volunteer Corps, or of Militia of Texas, one Adjutant, one Pay-Master, one Quarter-Master, one Quarter-master-Sergeant, one Commissary and one Sergeant-Major to be appointed by the Colonel, and to be taken out of the Subalterns of the line of such Regiment; also, one Surgeon and one Surgeon's Mate, to be appointed, in the Regular Army, by the Surgeon General thereof; and in the Militia or Auxiliary Volunteer Corps, by the Colonel or commanding officer thereof; all of which said Staff-Officers shall receive the same additional pay and emoluments, and the same pay, rations and clothing as Staff-Officers of the same rank and grade in the service of the Army of the United States of America.

Passed at San Felipe de Austin, Dec. 5, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, 8th Dec. 1835.

HENRY SMITH, Governor.

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*Resolution authorizing W. Pettus to purchase certain articles for the use of the Volunteer Army now in the field.*

*Resolved,* That the Contractor for the Volunteers, W. Pettus, be instructed to proceed immediately to the towns on the seacoast and purchase the following articles for the Army and cause the same to be forwarded with despatch, viz:

666	pairs	warm	Pantaloons,
666	"		Socks,
333			Vests,
333			Round Jackets.

*And be it also resolved,* That the said Contractor be instructed to forward, at all times, to the Volunteer Army, such things as may be, from time to time, ordered by the

Commander of that Army, and report the same to the Provisional Government.

Passed at San Felipe de Austin, December 5, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.  
Approved, December 6, 1835.

HENRY SMITH,  
Governor.

*An Ordinance and Decree designating the Boundaries to the Municipality of Jefferson, and for other purposes.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That the Municipality of Jefferson shall have the following boundaries, viz: To commence on the Sabine River, fifteen miles above Ballow's Ferry, and run down said River to its junction with Sabine Bay; thence West, along said Bay, to the mouth of the River Neches; thence, up said River, to Grant's Bluff, and thence, on a direct line to the place of beginning.*

SEC. 3. *And be it further ordained and decreed, That Messrs. John Cole, Richard Ballow, John Harmon and Thomas Heart be, and they are hereby authorized, to select a suitable place for the Seat of Justice for the aforesaid Municipality.*

Passed at San Felipe de Austin, Dec. 5, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.  
Approved, December 9, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Executive Secretary, &c.

*An Ordinance and Decree authorizing and requiring the Governor to give instructions to Commissioners to the United States of the North.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That S. F. Austin, Branch T. Archer and William H. Wharton, appointed by the General Convention on the twelfth day of November last, as Public Agents, or all or either of them, or such other agents as may be hereafter appointed by the General Council, shall receive their instruction from, and signed by the Governor, and attested by the Executive Secretary, and it is hereby made the duty of the Governor to give the same, upon the principles and for the objects hereinafter stated; and be directed to proceed, with all convenient despatch, to the United States of North America, in execution of the duties assigned them.*

SEC. 2. *And be it further ordained and decreed, &c., That the Commissioners aforesaid shall be instructed to effect a Loan for Texas, for the amount and upon the principles declared in an Ordinance of the Provisional Government, entitled "An Ordinance to raise a Loan for the use of the Provisional Government of Texas," passed December 4th, one thousand eight hundred and thirty-five.*

SEC. 3. *And be it further ordained and decreed, &c., That if the Loan on Government Bonds cannot be advantageously negotiated, that the Commissioners be instructed to pledge, or hypothecate the public lands of Texas, and to pledge the public faith of Texas, in such manner, and with such restrictions as shall best comport with the honor and dignity of the State, and give effect to the pledges: *provided*, also, that the said Commissioners shall be authorized and instructed to create a Stock or Funded Debt, upon such pledges as may be agreed upon, to be sold in shares on terms such as will not exceed the rate per cent. ordained in the Ordinance, authorizing a Loan for Texas. And be it, also, further *provided*, that such part or parts of the public revenues of the country may be pledged, as shall be sufficient to pay the annual interest upon any and all Loans effected under the restrictions hereinbefore stated.*

SEC. 4. *Be it further ordained and decreed, &c.*, That the said Commissioners shall be authorized and required to make purchases, by and through proper and competent agents, appointed by them, or a majority of them, of all the munitions of war, camp equipage, supplies and other articles ordered to be procured by an Ordinance, entitled "An Ordinance to purchase Munitions of War, Provisions, &c., for the use of the Army and defence of the Sea Coast," passed the 27th day of November, 1835, and forward such articles under instructions of the Governor, to such points, and in charge of such persons as he may, in conjunction with the Commander-in-Chief of the Regular Army, direct.

SEC. 5. *Be it further ordained and decreed*, That it shall be the duty of the said Commissioners, or a majority of them, as soon as may be, to purchase one or more, or all the vessels of war, of the character and description contained in the Ordinance, entitled an Ordinance "for establishing a Navy," passed the 25th day of November, 1835; and they shall be authorized and empowered to appoint an agent or agents for said purpose, and for any other object connected with their mission, with full powers to act in the name and behalf of the "Provisional Government of Texas," in the name of said Commissioners, who shall be held accountable for the fidelity of any agent or agents so appointed by them: Also, provided, that the said Commissioners, or a majority of them, may give Letters of Marque and Reprisal, with which they shall be furnished in blank, legally signed by the Governor and Secretary, to such persons, and under such restrictions, as are required by the Ordinances of the Provisional Government of Texas.

SEC. 6. *Be it further ordained and decreed*, That in the event of effecting a Loan, as provided for by the Ordinance passed for that purpose, the said Commissioners, or a majority of them, shall be authorized and empowered to give orders or checks upon the bank where is deposited the monies of the Government for the payment thereof, so that the amount drawn shall not exceed two hundred thousand dollars; and the balance of the monies deposited shall remain subject to the future orders of the "Provisional Government," to whose credit the whole Loan shall be first entered.

SEC. 7. *And be it further ordained and decreed,* That the said Commissioners shall be furnished with separate instructions, to hold communication with the Government of the United States of North America, relative to the political situations and relations of Texas, under such instructions as the Governor may deem prudent and consistent in the present revolutionary state of Texas and the Mexican Republic; and that such instructions may be sent at the discretion of the Executive.

Passed at San Felipe de Austin, Dec. 5, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of the G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, December 5, 1835.

HENRY SMITH,  
Governor.

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WHEREAS, a communication having been received, by the Council, from General Edward Burleson, the Commander-in-Chief near Bexar, of the Volunteer Army, which was referred to your Committee to examine and report upon, whereby *we* are informed that Col. William Pettus has been appointed Contractor for the Volunteer Army—

*Therefore, be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas,* That the appointment of Colonel William Pettus, as Contractor for the Volunteer Army near Bexar, be confirmed by the General Council.

SEC. 2. *Be it further ordained and decreed,* That the said Contractor, William Pettus, be fully authorized and empowered, and he is hereby authorized and empowered to procure, by purchase or otherwise, all such articles of clothing, provisions, military supplies, &c., as may, from time to time, be ordered by the Commander-in-Chief of the Volunteer Army, or the General Council; and the same to be forwarded by the said Contractor to such place or places as he may be instructed by the authority aforesaid.

SEC. 3. *Be it further ordained and decreed, &c.,* That the said Contractor, William Pettus, shall report monthly to the General Council, all articles which may be obtained and forwarded to the aforesaid Volunteer Army by himself; and that the said Contractor shall take sufficient vouchers, as contemplated by the Ordinance passed on the 24th of November, 1835.

SEC. 4. *Be it further ordained and decreed, &c.,* That the aforesaid Contractor, William Pettus, give bond and security in the amount of two thousand dollars for the faithful performance of his duty as Contractor; and that the said bond be taken in the name of the Provisional Governor, and his successor in office.

SEC. 5. *Be it further ordained and decreed, &c.,* That the said Contractor, William Pettus be, and is hereby authorized to appoint one or more deputies, should it become necessary; and that the said Contractor be held responsible for all the acts of his deputy or deputies, while in the discharge of their duties or duty as Contractor or Contractors.

Passed at San Felipe de Austin, Dec. 5, 1835.

(Signed)

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, December 5, 1835.

HENRY SMITH,

Governor.

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*A Resolution authorizing the Commanding General to send one or two Agents, &c., with the Commissioners to the United States, &c.*

*Resolved,* That the Commanding General be, and is hereby authorized to send one or more agents out of his Staff, or officers in the line, in company with the Commissioners to the United States, to purchase, under the

direction of said Commissioners, provisions, arms, and munitions for the supply of the Regular Army.

Passed at San Felipe de Austin, Dec. 6, 1835.

(Signed) JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, December 8, 1835.

HENRY SMITH,  
Governor.

*A Resolution authorizing the Commissioners to the United States, to divide the Deposite between the Union Bank of Louisiana and the Bank of Orleans.*

*Resolved,* That the Commissioners to the United States be, and are hereby authorized to divide the deposite, ordered to be made in New-Orleans, between the Union Bank of Louisiana and the Bank of Orleans, in such proportion as they may deem best.

Passed at San Felipe de Austin, Dec. 6, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, December 8, 1835.

HENRY SMITH,  
Governor.

*Resolution authorizing our Foreign Agents to receive Donations for Texas.*

*Be it resolved by the General Council,* That our Foreign Agents shall be authorized and empowered, and are hereby authorized and empowered, to receive all monies and donations of any kind that may be given, or presented to Texas, by the citizens of the country which

they may visit; and if said Agents should receive any money, or monies, to deposite the same in some safe Bank, and report the same to the Provisional Government of Texas.

*Be it further resolved*, That a certified copy of this Resolution be furnished said Agents.

Passed at San Felipe de Austin, Dec. 6, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, 8th Dec. 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Executive Secretary.

*Resolved*, That William Pettus, the Contractor for the Volunteer Army, in conjunction and with the advice of T. F. M'Kinney, be directed to make such provisions for General Mexia and his command, at the mouth of the Brazos, as will enable them to proceed into the interior, &c., with the object of carrying the war into the enemy's country; and that General Mexia be required to report his plan of operations through the said Contractor, in writing, to the Provisional Government of Texas.

Passed at San Felipe de Austin, Dec. 6, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Passed by a constitutional majority, my veto to the contrary notwithstanding.

HENRY SMITH,  
Governor.

CHAS. B. STEWART,  
Sec'y of Executive.

*An Ordinance and Decree to provide for the Outfit and Contingent Expenses of our Foreign Agents to the United States of America.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the authority of the General Council of the Provisional Government of Texas,* That the Governor shall be, and is hereby, authorized to draw on Messrs. M'Kinney and Williams, of Quintana, in favor of each of our Foreign agents, Messrs. S. F. Austin and B. T. Archer, for the sum of five hundred dollars; or to draw bills of exchange, bonds of credit, or any other writing obligatory, which may enable them to raise the sum of five hundred dollars each, for the purpose of defraying the expenses of their mission.

SEC. 2. *Be it further ordained and decreed,* That our Foreign Agents to the United States of America, Messrs. S. F. Austin and B. T. Archer, be, and they are hereby authorized to draw upon any agent or agents, bank or banks in which any of the funds of Texas may be deposited, for a further sum of two thousand dollars each, for the purpose of defraying any other expenses of their said mission, for all of which sum so drawn, the Provisional Government is held liable and responsible.

Passed at San Felipe de Austin, Dec. 6, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 8, 1835.

HENRY SMITH,

Governor.

C. B. STEWART,

Sec'y to Executive, &c.

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*Be it resolved,* That the prisoners taken at Goliad, Col. Sandoval and others, be taken to the town of San Augustine, in the Municipality of San Augustine, and there delivered to the Committee of Vigilance and Safety, and by them to be safely kept, subject to the dis-

position of the Council; and that the Governor be, and is hereby empowered to carry into full force and effect this Resolution.

Done at San Felipe de Austin, Dec. 6, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 12, 1835.

HENRY SMITH,

Governor.

CHAS. B. STEWART,

Sec'y of Executive, &c.

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*An Ordinance and Decree for creating a General Post-Office Department.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas,* That there shall be, and there is hereby created and established a General Post-Office, to be under the charge and direction of a Postmaster-General to be appointed by the General Council, who shall give bond with approved security, in a sum not less than five thousand dollars, payable to the Governor for the time being, and his successor in office. The "Postmaster-General" shall have power to appoint the necessary assistants and clerks for doing the business of his office: he shall establish Post-Offices and appoint postmasters at such places as he shall deem expedient, on the Post-Roads that are or may be established by Ordinances and Decrees of the Provisional Government; he shall give instructions to the postmasters and all other persons he shall employ, or who may be employed in any of the Departments of the "General Post-Office," relative to their several duties: he shall provide for the carriage of the Mail on all post-roads that are or may be established by the Ordinances and Decrees of the Government aforesaid, as often as he shall think proper—having regard to the productiveness thereof; he shall obtain from the several post-masters their accounts and vouchers for the receipts and expenditures of their seve-

ral offices once in every three months, or oftener if he think proper, showing the balance thereon in favor or against the General Post-Office; he shall pay all necessary expenses incident to the General Post-Office in consequence of mails, collection of the revenue, and in the general management thereof, from the incomes of the General Post-Office Department, if the receipts thereof be sufficient, otherwise he shall report the deficiency to the Governor of the Provisional Government, who shall submit the same to the legislative power for providing ways and means for such deficiency; he shall prosecute, or cause to be prosecuted, all offences against the "General Post-Office" establishment; he shall render an account, current, to the "Provisional Government of Texas" once in every three months, of all the receipts and expenditures in the said Department, to be adjudicated and settled as other public accounts, at the same time stating generally the condition of the Department, suggesting such improvements as, in his opinion, may be useful and necessary—and he shall render his first quarterly accounts on the first day of March, eighteen hundred and thirty-six; he shall have a general superintendence of the business of the said Department in all the duties that are or may be assigned to it—*provided*, that in case of the death, resignation or removal from office of the "Postmaster-General," all the duties of the Department shall be performed by his assistant or chief clerk, until a successor shall be appointed to take charge of the General Post-Office Department.

SEC. 2. *Be it further ordained and decreed*, That the Post-Master-General, and all assistants, clerks and post-masters, and other persons employed in and about the Department, or in the care, custody, or conveyance of their mails, shall previous to entering upon the respective duties assigned to them, take and subscribe the following oath or affirmation in addition to the oaths required of all officers of the Government, before some person legally authorized to administer oaths:

"That I will faithfully perform all the duties required of me and abstain from everything forbidden by the laws, in relation to the establishing of a General Post-Office and Post-Roads."

SEC. 3. *Be it further ordained and decreed*, That the

Postmaster-General may provide, by contract, for the conveyance of the mail on any Road on which a stage, waggon, or any other stage carriage shall be established, on condition that the expense thereof shall not exceed the income thence arising. All contracts for carrying the mail, whether on horseback or otherwise, shall be for any term not exceeding two years—revocable at the pleasure of the Postmaster-General, and at all times subject to such alterations, as to time of departure, arrival and distances, and frequency of transportation as he may think proper—subject, however, to increase or diminution on the amount to be paid on said contract to the Contractor, in ratio of increase or diminution of services required; and it shall be lawful for the Postmaster-General to impose such fines and forfeitures upon the Mail Contractors for all failures they may make, in not regularly and faithfully complying with the terms of their contract as, in his opinion, may be just and proper: *provided*, that no fine, for a failure in delivering any mail at the appointed time, shall exceed the pay for one trip.

SEC. 4. *Be it further ordained and decreed*, That no other than a free white European, Anglo-American, or Mexican shall be employed in conveying the Mail on any of the Post-Roads, either as carrier, rider or driver; and any and every violation of this Ordinance shall subject the Contractor, for each offence, to forfeit and pay the sum of one hundred dollars—one moiety thereof to the use of the Provisional Government, the other moiety to the person who shall sue for and prosecute the same before any court having jurisdiction thereof.

SEC. 5. *Be it further ordained and decreed*, That if any person shall, knowingly and wilfully, obstruct or retard the passage of the mail, or of any driver or carrier, or of any horse or carriage carrying the same, he shall, upon conviction thereof, for every such offence, pay a fine not exceeding one hundred dollars; and if any ferryman shall, by wilful neglect or refusal to transport the mail across any ferry, hinder or delay the same, he shall forfeit and pay, for every ten minutes the same shall be delayed, a sum not exceeding ten dollars.

SEC. 6. *Be it further ordained and decreed*, That it shall be the duty of the Postmaster-General to give pub-

lic notice in one or more of the newspapers of Texas, for at least four weeks before entering into any contract for carrying the mail, that such contract is intended to be closed on the day, and at such place as he may designate, that sealed proposals will be received for contracts. The notice shall designate the places from and to which such mail is to be conveyed—the time at which it is to be made up, and the days and hours in which it is to be delivered: he shall, moreover, within thirty days after the making of any contract, lodge the duplicate thereof, together with a copy of the proposals which he shall have received respecting it, in the Executive Office of Texas; and no contract shall be entered into for a longer time than two years.

SEC. 7. *Be it further ordained and decreed,* That every postmaster shall keep an office, in which one or more persons shall attend on every day on which a mail or bag, or other packet or parcel of letters, shall arrive, by land or water, as well as on such other days and hours as the Postmaster-General shall direct, for the purpose of performing the duties of his office; and it shall be the duty of all postmasters, at all reasonable hours, on every day of the week, to deliver, on demand, any letter, paper or packet to any person entitled to or authorized to receive the same: and all letters brought to any office half an hour before the time of making up the mail at such office, shall be forwarded therein.

SEC. 8. *Be it further ordained and decreed,* That no fees or perquisites shall be received by any person employed in the General Post-Office, on account of the duties to be performed in virtue of his office.

SEC. 9. *Be it further ordained and decreed,* That the following rates of postage shall be charged on all letters and packets (except such as are hereinafter exempted) conveyed by the mails and posts of Texas—that is to say: for every letter composed of a single sheet of paper, and conveyed any distance not exceeding twenty miles, six and one-fourth cents; over twenty and not exceeding fifty miles, twelve and a half cents; over fifty and not exceeding one hundred miles, eighteen and three-fourth cents; over one hundred and not exceeding two hundred miles, twenty-five cents; all distances exceeding two hundred miles, thirty-seven and a half cents;

upon all ship letters, six and one-fourth cents shall be charged in addition to the above rates; on all letters composed of two pieces of paper, there shall be charged double the rate of a single letter; letters composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper or other thing, and weighing one ounce, quadruple those rates, and in that proportion for all greater weights; and for all letters or newspapers going out of Texas, it shall be the duty of the post-masters to require the postage in advance.

SEC. 10. *Be it further ordained and decreed,* That if any post-master, or any person authorized by the Post-master-General to receive the postage of letters, shall fraudulently demand or receive any rate of postage, gratuity or reward, further than is provided by this Ordinance, for the postage of letters and packets, on conviction thereof, he shall forfeit, for every such offence, one hundred dollars, and shall be rendered forever incapable of holding any office of trust under the Government of Texas.

SEC. 11. *Be it further ordained and decreed,* That no ship or vessel arriving at any port within Texas, where a post-office is established, shall be admitted to report, make entry, or break bulk until the master or commander shall have delivered to the postmaster all letters directed to any person or persons within Texas, under his care or within his power, which shall be brought in such ship or vessel—except such as are directed to the owner or consignee of such ship or vessel; and except, also, such as are directed to be delivered at the port of delivery to which such ship or vessel may be bound. And it shall be the duty of the Collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or owner, or commander of such ship or vessel, an oath or affirmation purporting that he has delivered all such letters except as aforesaid; and if any commander or master of any such ship or vessel shall break bulk before he shall have complied with the requirements of this ordinance, every such offender shall, on conviction thereof, forfeit for every such offence, a sum not exceeding one hundred dollars.

SEC. 12. *Be it further ordained and decreed,* That the postmasters to whom such letters or packages shall be

delivered, shall pay to the master or commander, or any person delivering the same, (except the commanders of foreign packets) three cents for each letter or packet, and shall obtain from the person delivering the same a certificate stating the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, with a receipt for the money, shall be reported with his quarterly accounts current, to the Postmaster-General, which amount will be placed to his credit.

SEC. 13. *Be it further ordained and decreed,* That if any person other than the Postmaster-General or his deputy, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse, post-waggon or other post-carriage, on any established post-road, or from one post-town to another post-town, or any road adjacent or parallel to an established post-road, or any packet boat or other vessel to ply regularly from one place to another, between which regular communication by water shall be established by the Provisional Government of Texas; and shall receive any letter or packet, other than newspapers, Magazines or pamphlets, and carry the same by such foot, stage, waggon, or other, carriage, or packet boat, or vessel, excepting only such letter or letters as may be directed to the owner or owners of such conveyance, and relative to the same, or to the person to whom any packet or bundle in such conveyance is intended to be delivered; every person so offending shall forfeit, for every such offence, one hundred dollars.

SEC. 14. *Be it further ordained and decreed,* That the deputy postmasters, and other agents of the "Postmaster-General," shall duly account and answer to him for all way-letters which shall come to their hands; and for this purpose, the post-riders and other carriers of the mail receiving any way-letter or letters, which they shall be bound to do if presented two miles and upwards from a post-office, shall deliver the said letter or letters to the post-master or his deputy, at the first post-office he may arrive at, together with the postage, if paid, whose duty it shall be to specify the same as way-letters, adding six and one-fourth cents additional postage on each letter he may have so received, to be paid by him to the carrier who delivered them—letters directed to persons living between post-offices may be delivered by the car-

rier and the postage thereon duly collected; and it shall be the duty of the carriers of the mails to take charge of all such letters as shall, for that purpose, be committed to them by the post-masters, and collect the postage thereof, which it shall be the duty of the post-rider to pay over to the said post-master as it is collected; and for every letter so delivered, the mail carrier delivering the same, shall be allowed to demand and receive six and one-fourth cents to his own use besides the ordinary postage. If any postmaster or other agent of the Postmaster-General shall neglect to account for the same, he or they so offending shall, on conviction thereof, forfeit for every such offence, a sum not exceeding one hundred dollars.

SEC. 15. *Be it further ordained and decreed,* That if any postmaster or other agents of General Post-Office, shall unlawfully detain, delay, or open any letter, packet, bag or mail of letters with which he shall be entrusted, or which shall have come to his or their possession, and which are intended to be conveyed by post; or if any such person shall secrete, embezzle, or destroy any letter or packet entrusted to him or them, as aforesaid, and which shall not contain any security for or assurance relating to money, as hereinafter described, every such offender being thereof duly convicted shall, for every such offence, be fined in a sum not exceeding three hundred dollars, and be imprisoned not exceeding six months, according to the circumstances or aggravation of the offence; and if any person, employed as aforesaid, shall secrete, embezzle, or destroy any letter, packet, mail, or bag of letters with which he shall be entrusted or which shall have come into his or their possession, and are intended to be conveyed by post, containing any bank note, post bill, or other paper expressive of value, or if any such person employed, as aforesaid, shall steal or take any of the same out of any letter, packet bag, or mail of letters that shall come to his possession, he shall, for every such offence, be imprisoned for a term not exceeding ten years; and if any person who shall have taken charge of the Mail of Texas shall quit or desert the same before he delivers it into the post-office kept at the termination of his route, or to some known mail-carrier or agent of the General Post-Office, duly authorized to re-

ceive the same, every such person so offending, shall forfeit and pay a sum not exceeding five hundred dollars for every such offence; and if any person concerned in the carrying of the Mail of Texas, shall cause or procure the same to be done contrary to this ordinance, every such offender shall forfeit and pay, for every such offence, a sum not exceeding two hundred dollars.

SEC. 16. *Be it further ordained and decreed,* That if any person shall rob any carrier of the Mail of Texas, or other person entrusted with such mail, or any part thereof, every such offender or offenders shall, on conviction, be imprisoned not exceeding ten years; and if convicted a second time of a like offence, he or they shall suffer death; or if in effecting such robbery of the mail the first time, the offender shall wound the person having the custody thereof, or put his life in jeopardy by the use of dangerous weapons, such offender or offenders shall suffer death; and if any person shall attempt to rob the Mail of Texas by assaulting the person having the custody thereof, by shooting at him or his horse or mule, or threaten him with dangerous weapons, and the robbing is not effected, every such offender, on conviction thereof, shall be punished by imprisonment not exceeding ten years; and if any person shall steal the mail, or shall steal or take out any mail or part thereof, out of any post office, or any letter or packet; or if any person shall take the mail or any letter or packet therefrom, or from any person whether with or without the consent of the person having custody thereof, the same containing any article of value; or if any person shall, by fraud or deception, obtain from any person having custody thereof, any mail, letter or packet, or any article of value, such offender or offenders, on conviction thereof, shall be imprisoned not exceeding three years; and if any letter or packet not containing any article of value, or evidence thereof, out of a post-office, or shall open any letter or packet which shall have been in a post-office, or in the custody of a mail carrier, before it shall have been delivered to whom it is directed, with a design to abstract the correspondence or to pry into another's business, or shall secrete, embezzle or destroy any such mail, letter or package, such offender upon conviction shall, for every such offence, pay a fine not exceed-

ing five hundred dollars, and be imprisoned not exceeding twelve months.

SEC. 17. *Be it further ordained and decreed,* That if any person shall rip, cut, tear or burn, or otherwise injure any portmanteau, vallise, or other bag used or directed to be used by any person acting under the authority of the Postmaster-General, or any person in whom his powers are vested, in the conveyance of any mail, letter, packet, newspaper or pamphlet—or shall draw or break any staple, or loosen any part of any lock, chain or strap attached or belonging to any such vallise, portmanteau or bag with an intent to rob or steal any mail, letter, packet, newspaper or pamphlet, or to render either of the same insecure, every such offender upon conviction shall, for every such offence, pay a sum not exceeding five hundred dollars, or be imprisoned not exceeding three years, at the discretion of the court before whom such conviction is had.

SEC. 18. *Be it further ordained and decreed,* That every person who shall, from and after the passage of this ordinance, procure, aid, advise or assist in the doing or perpetrating of any of the acts or crimes by this ordinance forbidden to be done or performed, shall be subject to the same penalties and punishments as the persons are subject to, who shall actually do or perpetrate any of the said acts or crimes, according to the provisions of this ordinance.

SEC. 19. *Be it further ordained and decreed,* That every person who shall be imprisoned by a judgment of court, under and by virtue of the fourteenth, fifteenth, sixteenth and seventeenth sections of this ordinance, shall be kept at hard labor, or otherwise shall be fined and punished as the court may direct.

SEC. 20. *Be it ordained and decreed, &c.,* That the postmasters shall respectively publish, at the expiration of every three months, or oftener, when the Postmaster-General shall so direct, in one of the newspapers at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices; or instead thereof, shall make out a number of such lists and cause them to be posted up at not less than five of the most public places in their vicinity, as shall appear to them best adapted for the information of

the parties concerned, and at the expiration of the next three months, shall send such of the letters as then remain on hand as dead letters, to the General Post-Office, where the same shall be opened and inspected; and if any valuable papers or matters of consequence shall be found therein, it shall be the duty of the Postmaster-General, through his deputies, when he shall have ascertained the residence of the writer or writers thereof, through his deputies to return them; or, if after a descriptive list thereof has been published in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within Texas, the person or persons to whom such letter or letters may have been directed and intended, shall make application therefor, it shall be the duty of the Postmaster-General or any of his deputies, upon being satisfied that the applicant is the proper owner, to deliver them to such person or persons upon the postage and expense of publication being paid; and in either case to require from persons so receiving letters, to receipt to the Postmaster-General therefor—specifying in such receipt, that it is for such letter or letters as may have been advertised and described; and if neither the writer or individual to whom the letter is addressed, shall not make demand in their own proper person or lawful agent, within two years after the advertisement thereof, as aforesaid, the said contents shall be applied to the use of Texas, until the same shall be reclaimed by the proprietor thereof; and the manner of such application to be specially stated by the Postmaster-General to the Executive Office.

Sec. 21. *Be it further ordained and decreed,* That all newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of one cent each, for any distance not more than fifty miles, and one and a half cent each for any greater distance; and that the Postmaster-General and his deputies shall require those who receive newspapers by post, to pay the postage quarterly, in advance. If any person employed in any department of the General Post-Office, shall improperly detain, delay, hinder, embezzle or destroy any newspaper, or shall permit any other person to do the like, or shall open or permit any other person to open any mail or packet of newspapers not directed to the

office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding one hundred dollars for every such offence; and if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorized to receive or open the same, he shall, on conviction thereof, pay a sum not exceeding fifty dollars for every such offence; and if any person shall take or steal any packet, bag, or mail of newspapers from or out of any post-office, or from any person having custody thereof, such person shall, on conviction, be imprisoned not exceeding three months for every such offence: if any person shall enclose or conceal a letter or other thing, or any memorandum in writing in a newspaper, or among any package of newspapers which he shall have delivered into any post-office, or to any person for that purpose in order that the same may be carried by post free of letter postage, he shall forfeit the sum of ten dollars for every such offence, and the letter, newspaper, package, memorandum or other thing shall not be delivered to the person to whom it is directed until the amount of double letter postage is paid for each article of which the package shall be composed: when the mode of conveyance and size of the mail will admit it, magazines and pamphlets may be transported in the mail at three cents a sheet for any distance not exceeding fifty miles; for any distance over fifty and not exceeding one hundred miles, six and one-fourth cents, and ten cents for any greater distance.

SEC. 22. *Be it further ordained and decreed,* That the Postmaster-General be authorized to allow to the postmasters respectively, such commission on the monies arising from the postage of letters, as shall be adequate to their respective services and expenses: *provided,* that the said commission shall not exceed thirty per cent. on the first hundred dollars, and twenty-five per cent. on a sum over one hundred and not exceeding three hundred dollars, and twenty per cent. on any sum over four hundred dollars and not exceeding two thousand dollars, and eight per cent. on any sum collected, being over two thousand four hundred dollars—except to postmasters who may be employed in receiving and despatching foreign mails, whose compensation may be aug-

mented not exceeding twenty-five dollars for one quarter. The Postmaster-General may allow to the postmasters respectively, a commission of thirty per cent. on the monies arising from the postage of newspapers, magazines and pamphlets; and each postmaster who shall be required to keep a register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return thereof to the General Post-Office.

SEC. 23. *Be it further ordained and decreed,* That if any postmaster or other person authorized to receive the postage of letters, shall neglect or refuse to render his accounts and pay over to the Postmaster-General the balance by him due, at the end of every three months, it shall be the duty of the Postmaster-General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster-General shall not cause such suit to be commenced within six months from the end of every such three months, the balance due from any such delinquents, shall be charged to and recoverable from the Postmaster-General:—that all suits which shall hereafter be commenced for the recovery of debts, or balances due to the General Post-Office, whether they appear by bond or obligations, shall be made in the name of the existing or other preceding Postmaster-General, or otherwise shall be charged in the name of the Postmaster-General of Texas—that certified copies, under the seal of the General Post-Office, of the accounts current of the several post-masters, after the same shall have been examined and approved at that office, shall be admitted as evidence in all suits brought by the Postmaster-General for the recovery of debts or balances due from post-masters or other persons; and in like manner, copies of such accounts current as are lodged in the Executive Office, under the seal of the General Post-Office Department, shall be admitted as evidence.

SEC. 24. *Be it further ordained and decreed,* That all letters and packets, to and from the following officers of Texas, shall be received and conveyed by post free of postage: each post-master—*provided*, the packages do not exceed one half ounce in weight; the President and members of the Provisional Government, the Secretary of the General Council—that is, during their actual at-

tendance or during a session; and for thirty days after a session, the Governor of the Provisional Government, Treasurer and Postmaster-General, all officers of the Army and Navy, Collectors and officers of the Revenue when communicating on subjects connected with public service; and they all may receive their newspapers by the public post free of postage: *provided*, that no letter or packet from any public officer shall be conveyed by post, free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet; and in case of officers of the Army, Navy, and collectors and officers of the Revenue, there shall be added the words, "On Public Service."

SEC. 25. *Be it further ordained and decreed*, That if any person shall frank letters, other than those written by himself or by his order, he shall, on conviction thereof, pay a fine of twenty dollars; and if any person shall counterfeit the frank or handwriting, or cause the same to be done in order to avoid the payment of postage, each person so offending shall, for every such offence, pay one hundred dollars: *provided*, that every printer of newspapers may send one paper to each and every other printer of newspapers in Texas, and send and receive out of Texas, any number of papers not exceeding fifty, free of postage, under such regulations as the Postmaster-General may provide.

SEC. 26. *Be it further ordained and decreed*, That if any postmaster or other person, who shall receive open or despatch mails, shall neglect to render accounts thereof for one month after the time, in the manner and form provided by law, and by the Postmaster-General's instructions, he shall forfeit and pay double the value of the postages which shall have arisen at the same office, in equal portion of time previous or subsequent thereto; or, in case no amount or account shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate equivalent thereto, to be sued for and recovered by the Postmaster-General in an action on the case.

SEC. 27. *Be it further ordained and decreed*, That all pecuniary penalties and forfeitures incurred under this ordinance shall be, one half for the use of the person or

persons informing and prosecuting, and the other half for the use of Texas.

SEC. 28. *Be it further ordained and decreed*, That it shall be lawful for the Postmaster-General to make provisions, when it may be necessary, for the receipt of letters and packets intended to be conveyed by any ship or vessels beyond sea, or from any other port in Texas to another port therein; and the letters so received shall be formed into a mail or packet, sealed up and directed to the postmaster of the port to which such ship or vessel shall be bound; and for every letter or frank so received there shall be paid at the time of its reception, a postage of two cents each, which shall be for the use of the postmasters respectively receiving the same; and the Postmaster-General may make arrangements with the postmasters in any foreign country, for reciprocal delivery of letters, newspapers, packets and pamphlets through the Post-Office Department, in any manner he may deem expedient and necessary.

SEC. 29. *Be it further ordained and decreed*, That for every letter lodged at any post-office, not to be carried by post, but to be delivered at the place where it is lodged, the post-master shall receive six and one-fourth cents of the person to whom it shall be delivered.

SEC. 30. *Be it further ordained and decreed*, That the postmasters and persons employed in the transportation of the mail shall be exempt from militia duty, serving as jurors or working on public highways.

SEC. 31. *Be it further ordained and decreed*, That all causes of action arising under this ordinance and decree may be sued, and all offenders prosecuted before the proper judicial officers of Texas—they having competent jurisdiction by the laws of Texas, of the trial of claims and demands, of as great value and crimes of as great extent, and such judicial officers shall take cognizance thereof, and proceed to judgment and award execution as in other cases.

SEC. 32. *Be it further ordained and decreed*, That in all suits or causes of action arising under this ordinance and decree, the courts shall proceed to trial and render judgment at the first term after such suit shall have been commenced: *provided, always*, that whenever process

shall not have been made, twenty days at least, previous to the return day of such term, the defendant shall be entitled to one continuance if the court, on the statement of such defendant, shall deem it expedient: *provided*, also, that if the defendant in such suit, shall make affidavit that he has a claim against the General Post-Office not allowed by the Postmaster-General, although submitted to him conformably to the regulations of the Post-Office Department, and shall specify such claims in his affidavit, and that he could not be prepared for the trial at such term for want of evidence, the court, in such case, being satisfied in those respects, may grant a continuance until the next succeeding term.

SEC. 33. *Be it further ordained and decreed*, That it shall be the duty of the Postmaster-General, to report annually, of every post-road and office which shall not, from the second year, have produced one third of the amount of its expenditures.

SEC. 34. *Be it further ordained and decreed*, That a mail or post-route is hereby established from the place where the General Post-Office shall be located, to the Seat of Justice of each Municipality of Texas, to go into operation so soon as contracts can be made by the Postmaster-General for transporting the mails; and the Postmaster-General shall regulate and determine as to the roads on which the said mails shall be carried, how often, and all other arrangements relating thereto, as he may think proper.

SEC. 35. *Be it further ordained and decreed*, That the Postmaster-General shall be entitled to receive for his services per annum, the sum of twenty hundred dollars quarterly.

Passed at San Felipe de Austin, Dec. 7th, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'ry of General Council.

Approved, December 12, 1835.

HENRY SMITH,

Governor.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 8th, 1835. }

The following Resolutions were this day passed by the General Council, and are transmitted for your information:

*Resolved*, That the Governor be, and he is hereby directed to instruct our Foreign Agents to purchase seven hundred barrels of flour, instead of 350 required in the Ordinance providing supplies for the Regular Army.

SEC. 2. *Resolved*, That the Governor be, and he is hereby directed to instruct the Commissioners to the United States to contract with one or more bakers for and on account of this Government, to proceed to this place or to the Seat of Government, and report themselves to the Governor.

Passed, December 8, 1835.

JAMES W. ROBINSON,  
 Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
 Sec'y of Gen. Council.  
 Approved, December 9, 1835.

HENRY SMITH,  
 Governor.

COUNCIL HALL, SAN FELIPE DE AUSTIN, }  
 December 8th, 1835. }

*Resolved*, That John Forbes be, and is hereby appointed a Commissioner in place of John Laplasier, for carrying into effect the 14th section of the Organic Law of the Provisional Government, and that a majority of the said Commissioners shall have full power to act; and that the papers and archives of the Land Offices, and of the Political Chief be placed by said Commissioners into the hands of John Forbes and Arthur Henry, subject to the orders of the Provisional Government; and that Arthur Henry be hereby appointed a Collector of

Dues on land, giving the necessary security for faithful performance, approved by the Commissioners.

Passed at San Felipe de Austin, Dec. 8, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 9, 1835.

HENRY SMITH,

Governor.

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*An Ordinance and Decree for the Relief of Bartoleme Pajes.*

*Be it ordained and decreed, and it is hereby ordained and decreed,* That the Governor be required, and it is hereby made his duty to draw upon the Commissioners of Texas to the United States of the North, or either of them, for the sum of eight hundred and sixty-seven dollars, the amount awarded by the General Council of the Government aforesaid, to the said Bartolome Pajes, for fifty-one horses or riding animals pressed for the public service by Captain P. Dimitt, commandant of the garrison of Goliad; and that the same be paid out of the first monies received for the account of Texas in the city of New Orleans; and that the said Commissioners be instructed to take a receipt for the amount paid, which shall be their voucher in the settlement of their public accounts: *provided,* that the sum so received by the said Pajes, shall be no bar to any future claim for a balance upon the value of the said horses or animals which he can establish as his just due.

Passed December 9, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, 9th Dec. 1835.

HENRY SMITH,

Governor.

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*Be it resolved,* That the services of Colonel Powers be

accepted, and that he be requested to repair immediately to Velasco or any other point, and wait upon General Mexia with a copy of the Resolutions passed this day, requesting General Mexia to proceed to Bexar and accompany the expedition, and extend all the aid in his power, with authority to draw on this Government for any amount of money necessary in forwarding the objects of said Resolutions.

Passed at San Felipe de Austin, Dec. 10, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 12, 1835.

HENRY SMITH,

Governor.

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*A Resolution for calling a Convention.*

By the laws of Creation and Nature, all men are free and equal, and of these natural rights no man can be forcibly deprived of the principles of immutable justice: a desire for domination and power in man over his fellow man, subjects the weak and unambitious to the machinations of the more subtle and strong—to avoid such evils social compacts or Governments are formed for mutual and individual protection;—to this end each member of a community surrenders certain of his natural rights for common security;—thus, of necessity, all the legitimate powers of any Government are immediately derived from the governed. The people are sovereign, and all the officers designated for the execution of their civil compact are agents and accountable for their fidelity:—when such agents assume the character of principals or dictators, and attempt of their own will to subvert the form and true principles of the Governmental Compact and substitute another without the consent of the parties whose agents they are, resistance from the people is necessary and a virtue: in this situation are the citizens of Texas and a considerable portion of the Mexican Republic, of which Texas is a part—resistance is, therefore,

a duty. The protection of our liberties—one natural and reserved right to make it so:—arms are the resort, and in arms the people will find their only security from the oppression of ambitious tyrants, whose chains are forged to manacle our citizens and subdue them to their will: courage and bravery in resistance, and prudence in council will restore to us the natural sovereignty of all Governments:—one civil compact or constitution is destroyed and another must be formed to guarantee the purposes and ends of political associations: a Provisional or temporary Government, however wisely formed, or prudently administered, is at best uncertain and insecure—permanency and strength should be the basis of all Governments—therefore,

*Be it resolved*, That in virtue of the powers vested in the “Provisional Government of Texas” by the Representatives of the people in convention assembled, and it is hereby *resolved*, by the General Council of the Provisional Government aforesaid, that a Convention of delegates of the people for each Municipality of the three departments of Texas shall be called, to assemble on the first day of March next, at the town of Washington.

SEC. 2. *Be it further resolved*, That the Delegates elected by the people be clothed with ample, unlimited, or plenary powers as to the form of government to be adopted: *provided*, that no Constitution formed shall go into effect, until the same be submitted to the people and confirmed by a majority thereof, in such manner as shall be prescribed by a provision in such instrument.

SEC. 3. *Be it further resolved*, That the acting Judge, or in case there be no acting Judge, the Alcalde of each municipality be required, and it is hereby made his duty to issue writs of election to some competent and respectable citizen of each election district, to hold the election in the said district on the first day of February, 1836, to be conducted in the manner that elections have heretofore been conducted—allowing all free white males *and* Mexicans opposed to a Central Government a vote: *provided*, that no proxy votes shall be received—excepting, nevertheless, all the Citizen Volunteers in the Army, each of whom shall have a right to his vote, which he shall write upon paper over his own proper signature,

and send to the Judge or Alcalde of his respective Municipality, to be received on or before the day of the election aforesaid; and also *provided*, that the said Judge or Alcalde shall appoint the several places for holding said elections; of which time and place for holding the same, reasonable notice shall be given in the best manner for informing the people thereof; and duplicate returns of each election shall be made to the Judge or Alcalde aforesaid, one of which shall be filed on the archives of his office, the other to be presented at the Convention as evidence of the election of the members.

SEC. 4. *Be it further resolved*, That with a view to as just an equalization of representatives as can be at present determined, that the Municipality of Austin shall elect three delegates, Brazoria four, Washington four, Mina three, Gonzales two, Viesca two, Nacogdoches four, San Augustine four, Liberty three, Harrisburg two, Jasper two, Matagorda two, Jackson two, Tenawah two, Jefferson two, Refugio two, Goliad two, San Patricio two, Bexar four, Gaudaloupe Victoria two, and the citizens of Pecan Point two.

SEC. 5. *Be it further resolved*, That the Governor shall, and it is hereby made his duty, as soon as may be, to issue his proclamation for carrying into effect the preceding Resolutions.

Passed at San Felipe de Austin, Dec. 10, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

This was vetoed by the Governor but it passed by a constitutional majority on the 13th December, 1835.

HENRY SMITH,

Governor.

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*An Ordinance and Decree granting a Bounty of Land to certain Volunteers in the Army of the People of Texas.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas*, That there shall be, and there is hereby granted to each volunteer in the Army of the People of Texas, his heirs or legal representatives who may have

been or may hereafter be killed in battle, or shall come to his death by sickness or any accident whatever, in going to or returning from the Volunteer Army of the people of Texas, one mile square, or six hundred and forty acres of land in Texas.

Passed at San Felipe de Austin, Dec. 11, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, December 12, 1835.

HENRY SMITH, Governor.

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*An Ordinance and Decree establishing and imposing Duties on Imports and Tonnage, and for other purposes.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That all that part of the coast of Texas lying between the line of the United States, on the river Sabine to the Western Boundary Line of Zavala's Colony, including all the bays, harbors, rivers, creeks and inlets within said limits be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "Sabine Revenue District."*

And all that part of the coast of Texas between the Western Line of Zavala's Colony and Oyster Creek, including all bays, harbors, Rivers, creeks and inlets within said limits, be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as "Galveston Revenue District."

And that part of the coast from the mouth of Oyster Creek to the entrance of Cedar Lake into the Gulf, including all bays, harbors, rivers, creeks and inlets within said limits be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of Brazos."

And that part of the coast from the entrance of Cedar Lake into the Gulf to the western line of the jurisdiction of Matagorda, including all the bays, harbors, rivers, creeks and inlets within the said limits, be, and the same is hereby created and established a district for revenue

purposes, and shall be styled and known as "the District of Matagorda."

And that part of the coast from the Western Line of the District of Matagorda as far as the Gaudaloupe River be, and is hereby created a district for revenue purposes, and shall be styled and known as the "District of Jackson."

And that part of the coast from the Western Line of the District of Jackson, as far as it may be necessary to include all the coast of this Government, all bays, harbors, rivers, creeks and inlets be, and the same is hereby created and established a district for revenue purposes, and shall be known as the "Aransas District."

SEC. 2. *Be it further ordained and decreed*, That the Ports of Sabine, Galveston Bay, Brazos, Matagorda, La Bacca and Copano be, and they are hereby created and established Ports of Entry in their respective districts.

SEC. 3. *Be it further ordained and decreed*, That there shall be appointed by the Governor and Council, for each Revenue District, a Collector of the Port, and all other officers necessary to enable the Collector to enforce the collection of revenue arising under this Ordinance: the Collector so appointed shall enter into bond and security, to be approved by the Governor, in the sum of ten thousand dollars, payable to the Governor, at the time being, and his successors in office, for the faithful performance of his duties; which bond shall be filed in the Executive office, and may be sued on and recovery had for any amount of money or monies or other things due to and owing to the Government, or any individual or individuals, or body politic or corporate, and in like manner actions of trespass; and damages may be sustained if any should occur in consequence of neglect of duty.

The Collector of each port is hereby authorized to depute one or more respectable persons to assist in transacting the business appertaining to their respective business, and take bond and approved security, payable to themselves, conditioned for the faithful performance of their respective duties, to account for and pay over all such sum or sums of money as shall come into their hands or possession, as such deputy; and the said Collector may, from time to time, recover on said bond in a summary way, before any court having jurisdiction thereof.

SEC. 4. *Be it further ordained and decreed*, That the Collectors and Deputies shall, before they enter upon the duties of their office, take and subscribe the following Oath in addition to the Oath prescribed by the Organic Law, before some person legally authorized to administer oaths:

That I, A. B. will use my best endeavors to collect all revenues which may become due and owing to the Government of Texas, from tonnage and impost duties; that I will faithfully account for and pay over all such sum or sums of money as may come into my hands by virtue of my appointment, and duly perform all other lawful duties assigned to my said appointment, to the best of my skill and ability.

SEC. 5. *And be it further ordained and decreed*, That there shall be a Collector for a Revenue District to embrace all the Eastern border of the line of Texas, from the mouth of the Sabine River to the Red River, which shall come under the same rules and restrictions as the ports on the sea coast, and that the place of Entry and Collection shall be at the residence of Maxamillion, near the Sabine River.

SEC. 6. *And be it further ordained and decreed*, That on conviction of any person or persons of smuggling or an attempt to smuggle in goods, wares and merchandize, with the intention of defrauding Government, he or they shall forfeit such goods, wares and merchandize so attempted to be smuggled in—to be passed upon by the Judge of the Municipality in a summary way; and the said forfeited goods, wares or merchandize shall be sold at public auction by order of the said Judge or proper officer—giving ten days notice thereof at the court-house door and two other public places; one half of the nett proceeds to be for the use of the Government, one-fourth to go to the informer, and one-fourth to go to the Collector of the port for prosecuting, &c. And the person or persons so convicted, shall be subject to such other fine or fines as the court having cognizance of the case may impose—*provided*, it shall not exceed one hundred per cent. on the assessed value of the goods, wares or merchandize; and in default of payment, he or they shall be imprisoned not exceeding eighteen months, at the discretion of the court.

SEC. 7. *And be it further ordained and decreed,* That all the principal Collectors, under this Ordinance and Decree, shall be entitled to receive, on settlement, ten per cent. of the nett proceeds arising from the revenue of his port, *provided* it shall not exceed one thousand dollars per annum, as a compensation for his services in discharging the duties of Collector; and said principal Collector shall receive such other perquisites as the Collector of the Port of New-Orleans (in the United States of the North) receives, all of which he shall keep a correct account of, and report the same quarterly to this Government, or that which may succeed it.

SEC. 8. *And be it further ordained and decreed,* That it shall be lawful for any Collector of the Revenue, at any of the established ports, to call upon any Civil, Military or Naval officers to aid and assist in the enforcement and execution of these Ordinances and Decrees; and none of the aforesaid officers shall refuse or fail to give all the reasonable assistance in his or their power, to the Collector aforesaid, under the penalty of his or their being discharged from the office which they may hold.

SEC. 9. *And be it further ordained and decreed,* That said Principal Collector shall be, and he is hereby authorized to pay out of the public funds collected, all the necessary expenses of his office—to be judged of on his quarterly report: *provided,* that this Ordinance does not authorize the payment of deputies if he should think proper not to act in person.

SEC. 10. *And be it further ordained and decreed,* That the Collectors of each District, and the Collectors of the Ports of Entry and Delivery of Texas, and all other officers belonging to the Revenue or Custom-house Department shall be, and are hereby clothed and vested with all power and authority in their respective district and port requisite and necessary to execute the duties and discharge the functions of their respective offices and stations, in order to secure, more effectually, the revenue aforesaid, are hereby vested with such powers, and directed to perform such duties as belong to the same grade of officers of the customs in the ports and revenue districts of the United States of North America.

SEC. 11. *Be it further ordained and decreed,* That there is hereby imposed, assessed and levied upon all goods, wares and merchandise imported from foreign ports, either by land or by sea, into any port, bay, harbor or river of Texas, or within the limits thereof, a duty of twenty per cent. on such as are entitled to a debenture in the port or ports from whence the same may have been shipped; and a duty of ten per cent. on such goods, wares and merchandize, imported as aforesaid, as are not entitled to a debenture in the port or ports from whence the same may have been shipped.

SEC. 12. *Be it further ordained and decreed,* That it shall be the duty of each and every person importing goods, wares and merchandize, of any kind whatever, either by land or by sea, or the consignee or consignees, or the masters of the vessel in which the same may have been imported, having charge thereof, on the arrival of the vessel in port or within the limits of Texas, to lay before and exhibit to the Collector of the port or district, a certified manifest (invoice) and certificate of debenture of the goods, wares and merchandize so imported or brought within the limits aforesaid; and the Collector shall require an oath or affirmation of the person or persons introducing, or his or their consignee, that the said certified manifest (invoice) is correct and true, and that no fraud or deception is intended to be practised, which, if satisfactory to the Collector shall be received as fixing the value; if, on the contrary, the Collector is not satisfied as to the correctness and truth of the manifest, affirmation or oath he shall, at the cost of the owner or his or their consignee, call upon and appoint two good and sufficient men who, together with the Surveyor or Inspector, after being duly sworn by the Collector aforesaid, shall proceed to examine and appraise the said goods, wares and merchandize, to fix and establish the value and price thereof at what they should be reasonably worth at the port or place of their exportation; and when the same shall have been examined and appraised as aforesaid the Surveyor, Inspector and two appraisers aforesaid shall make a certified return of the value of such goods, wares and merchandize to the Collector, who shall, thereupon, assess, impose, and levy a duty of twenty per cent. upon all goods, wares and

merchandize as are imported or brought in, entitled to debenture aforesaid, and ten per cent on all such as are not entitled to a debenture aforesaid, and shall collect the same from the owners thereof, or the person or persons importing the same, or the consignee or consignees to whom the same are addressed or consigned; or the master of the vessel in which the same may have been imported—having charge thereof; and the said goods, wares and merchandize shall be, and the same are hereby made liable for the said duties so assessed or admitted as aforesaid: *provided*, nevertheless, that all goods, wares and merchandize imported by any emigrant, such as farming utensils, household furniture, provisions and stores, and all kinds of machinery intended for the use of said emigrants, and not for sale; and all public property, of any kind whatever, belonging to or intended for the use of the Texas government, or the Army or Navy thereof, and all meat and bread stuffs, and lumber for building shall be, and the same is hereby declared exempt from all duty whatsoever, during the war.

SEC. 13. *And be it further ordained and decreed, &c.*, That the Collectors of Duties shall be required to exact cash in hand on all importations, as aforesaid, on which the duties do not exceed one hundred dollars, and for all, receive bonds, payable within sixty days, with security—to be approved by himself, payable to himself or his successors in office, for all sums over one hundred dollars, and which does not exceed five hundred dollars on any one importation; if the said sum should exceed five hundred dollars, he shall receive bonds with security, approved by himself, to himself and his successors in office, payable within six months thereafter.

SEC. 14. *And be it further ordained and decreed*, That all custom-house bonds, or obligations, made and executed in accordance to the foregoing Ordinance, shall have the force of a judgment from its date; and the Judge, or other proper officer, shall, on application of the Collector, issue execution thereon—any law to the contrary notwithstanding.

SEC. 15. *And be it further ordained and decreed*, That these Ordinances establishing duties on imported goods, wares, merchandize, &c, into Texas, shall take effect

and be in full force from and after the day of their passage.

Passed at San Felipe de Austin, Dec. 8, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, Dec. 12, 1835.

HENRY SMITH,

Governor.

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*Resolved*, That when any uncertainty as to the rank of officers of the Regular Army, of the same grade, shall arise, seniority of rank shall be determined by drawing numbers, which shall be done by order of the commanding General, agreeably to the provisions of the third section of an Ordinance and Decree entitled, an Ordinance and Decree to organize and establish an Auxiliary Volunteer Corps to the Army of Texas, &c.

Passed at San Felipe de Austin, Dec. 12, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 15, 1835.

HENRY SMITH,

Governor.

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*Resolution authorizing the Commander-in-Chief to accept the services of five thousand Auxiliary Volunteers, and other purposes.*

*Resolved*, That the Commander-in-Chief shall have power to accept the services of, at least, five thousand Auxiliary Volunteers in addition to the local volunteers, agreeably to the Organic Law and the Ordinances and Decrees of the General Council of Texas.

*Be it further resolved,* That the Governor be requested to issue his order to the commanding General of the Army of Texas, to remove his Head-Quarters to the town of Washington until further orders.

Passed at San Felipe de Austin, Dec. 12, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, 15th Dec., 1835.

HENRY SMITH,

Governor.

*Be it Resolved by the General Council of the Provisional Government of Texas,* That the Treasurer is authorized, and it is hereby made his duty, to draw on the Commissioners in New Orleans for the sum of two hundred and seventy dollars, in favor of Juan Jervitt, being the amount of a draft in his favor drawn by Captain P. Dimitt for horses bought for the public service.

Passed at San Felipe de Austin, Dec. 13, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of the Gen. Council.

Approved, December 13, 1835.

HENRY SMITH,

Governor.

C. B. STEWART,

Executive Secretary.

*Supplement to an Ordinance and Decree entitled, "an Ordinance and Decree establishing and imposing Duties of Imports and tonnage, and for other purposes."*

*Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Govern-*

*ment of Texas*, That there shall be, and there is hereby, laid and established, a duty of one dollar and twenty-five cents tonnage on each and every vessel of over ten tons burthen that may arrive or enter any port, harbor, or within any revenue district established in Texas, coming from foreign ports; which said tonnage duties shall be collected and paid over by the collector or his deputy, agreeably to the provisions of the Ordinance and Decree to which this is a supplement.

*Be it further ordained and decreed*, That there shall be, and there is hereby, laid and established a specific duty of twelve and one-half cents per gallon upon all whiskey, American gin, rum and brandy instead of an "ad valorem" duty, as laid by the Ordinance and Decree to which this is a supplement.

Passed at San Felipe de Austin, December, 13, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, Dec. 15, 1835.

HENRY SMITH,

Governor.

CHAS. B. STEWART,

Sec'y of Executive,

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*An Ordinance and Decree increasing the Bounty to Soldiers of the Regular Army.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas*, That all persons entitled to a bounty by the fifth and sixth sections of an Ordinance and Decree to raise a Regular Army, passed on November the twenty fourth, eighteen hundred and thirty-five, shall be entitled to an additional bounty, over and above the bounty already given, of one hundred and sixty acres of land, and twenty-four dollars in money—one-half of said (money) twenty-four dollars to be paid to each soldier upon being mustered at head-quarters of

the Regular Army, and the other half at the first quarterly payment thereafter.

Passed at San Felipe de Austin, Dec. 14, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y to Gen. Council.  
Approved, December 15, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive

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*Resolution for appointing Thos. F. M'Kinney Agent, &c.*

*Be it resolved, and it is hereby resolved, by the General Council of the Provisional Government of Texas, That Thomas F. M'Kinney, of the Firm of M'Kinney & Williams, be, and he is hereby, constituted an Agent of the Government of Texas for the purpose of receiving and keeping charge of the Public Stores for the Armies of Texas, at the mouth of the river Brazos, to be delivered to the orders of the proper officers of the Government aforesaid; and the said M'Kinney, as agent aforesaid, is authorized and required to provide for and supply volunteers for the Army, who come within the meaning and provisions of an Ordinance and Decree entitled, "An Ordinance and Decree to organize and establish an Auxiliary Volunteer Corps to the Army of Texas, and other purposes," and passed the 5th day of December, 1835, with the necessary arms, ammunition and provisions to enable them to do duty and reach head-quarters, where he shall direct them to proceed with all convenient despatch: *provided*, that the said Government Agent shall, in all cases, take duplicate receipts for all articles or money advanced.*

Passed at San Felipe de Austin, Dec. 15, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, 17th Dec. 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive.

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*An Ordinance and Decree for creating the Municipality of Sabine, and for organizing the same.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That all that part of the Municipality of San Augustine, bounded as follows: commencing at the junction of the Patroon Bayou with Sabine River, running up said Bayou to the Bowden old Place; thence on a straight line to Austin Thompson's, at the intersection of the Nacogdoches and San Antonio road with the Pollygauch Creek; thence in a southwesterly direction to the Big Prairie on the Ayish Bayou; thence down the said Ayish Bayou to the mouth of Bear Creek; thence in a south-eastwardly direction to the head of Little Cow Bayou; thence down said Cow Bayou to its junction with the Sabine River; thence up said river to the beginning, and known by the name of "the Sabine District," shall be and is hereby created and made a separate Municipality, by the name of "Sabine," with all the privileges and immunities of other Municipalities of Texas.*

SEC. 2. *Be it further ordained and decreed, &c., That Seabourn Jones, William Clark and Benjamin Holt be, and they are hereby, appointed Commissioners to locate a place for the Seat of Justice—or Municipal Town for said Municipality of Sabine, where the Judges shall hold their Courts, and where the archives and records of the said Municipality shall be kept; and the said Commissioners are hereby authorized and required to hold the election for all Municipal Officers on or before the first day of January next, first giving reasonable notice of the time and places for holding such elections, and to administer the oath of office to each Judge and all the Municipal Officers so elected, and make report thereof to*

the Governor of the Provisional Government of Texas immediately thereafter.

• SEC. 3. *And be it further ordained and decreed, &c.,* That the said Municipality of Sabine shall be entitled to elect and send two delegates to the General Convention to meet at Washington on the first day of March next: *provided,* that that part of the Ordinance calling a convention to meet on the first of March next, at Washington, giving the right of the Municipality of San Augustine to send four members be, and the same is hereby repealed; and the said Municipality shall be entitled to but three delegates instead of four.

SEC. 4. *Be it further ordained and decreed, &c.,* That the said Municipality of Sabine shall be authorized forthwith, to elect one delegate as a member of the General Council of the Provisional Government of Texas, who shall be entitled to all the privileges of the other members of said Council.

Passed at San Felipe de Austin, Dec. 15, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE, Sec'y to G. C.

Approved, December 15, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y of Executive.

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*An Ordinance and Decree for sequestering and securing the Wreck and Cargo of the Schooner Hannah Elizabeth, and instituting an enquiry respecting the same, and for other purposes.*

WHEREAS, by satisfactory information, this Council is induced to believe that certain proceedings in relation to the capture and re-capture, and disposition of a schooner from New Orleans, has been attended with suspicious circumstances of injustice to the owners of the vessel and Cargo, and a disregard of the laws of the country and of nations—

SEC. 1. *Therefore, be it ordained and decreed, and it is*

hereby ordained and decreed by the General Council of the Provisional Government of Texas, That Thomas Barnett, Robert H. Williams and James Collingsworth be, and they are hereby, appointed Commissioners, to be commissioned and instructed by the Governor, with full powers to take, sequester, secure and retain, in the name of the Provisional Government of Texas, the late schooner Hannah Elizabeth, captured by the Mexican armed vessel the Bravo, and recaptured by a party commanded by or acting under the advice of Captain —— Hurd, of the schooner William Robbins of Texas, together with all her tackle, cargo, and whatsoever else belonged to her or was of her freight; and, also, the said Commissioners shall constitute a Court of Enquiry with full powers to call before them, by coercive measures if necessary, any and all persons concerned in the said re-capture and disposal of said schooner and cargo, and all who may have any knowledge of facts connected therewith; and upon corporeal oath, which said Commissioners shall have full powers to administer to each and all such persons as they may think proper to examine in relation to the same, to demand and receive true answers to such questions as they may deem pertinent to the matter, all of which shall be made and kept in writing and duly signed by the witness or witnesses in presence of and attested by said Commissioners, and cause to be arrested and sent before this Council, any and all persons whose acts, on due proof, shall appear to be of such a nature as show contempt of the laws in such cases provided, and of the Government of Texas: *provided*,—that the said Commissioners shall make a full report of the testimony and of all their proceedings in the case, with all convenient despatch to the Governor and Council of the Government of Texas.

SEC. 2. *Be it further ordained and decreed, &c.*, That the said Commissioners be required, and it is hereby made their duty to take the most prompt and efficient measures to secure, in safe keeping, all the Mexican prisoners taken by the re-capture and on board of the schooner Hannah Elizabeth that they may be made to answer to the laws, and for the safety of such persons as were captured by the Mexican Armed vessel Bravo, and detained as prisoners.

SEC. 3. *Be it further ordained and decreed, &c.,* That the Governor is required, and it is hereby made his duty, forthwith to issue a special commission to Thomas Barnett, Robert H. Williams and James Collingsworth, with instructions corresponding to and in accordance with this Ordinance and Decree, accompanied with a special writ of assistance, requiring and commanding in the name of the people free and sovereign, all officers whether civil, military or naval, and all good citizens of Texas to be aiding and assisting the said Commissioners in the execution of their commission.

Passed at San Felipe de Austin, Dec. 17, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 17, 1835.

HENRY SMITH,

Governor.

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*An Ordinance and Decree augmenting the Regular Army  
by creating a Legion of Cavalry.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That there shall be, and there is hereby created a Legion of Cavalry, to be a part and under the command of the Commander-in-Chief of the Regular Army of Texas, during the present war; said Legion of Cavalry to be composed and organized as follows, to wit; a Legion of Cavalry shall consist of one Lieutenant-Colonel Commandant, one Major, one Adjutant, one Quarter-Master, one Pay-Master, each being a Lieutenant, one Surgeon and two Surgeon's Mates, six Captains, six First and six Second Lieutenants, six Coronets, two Sergeant-Majors, two Quarter-Master-Sergeants, two Chief Musicians — first and second, and twelve other Musicians, twenty-four Sergeants, twenty-four Corporals and two hundred and eighty-six Privates, including five Saddlers, five Blacksmiths and five Boot Makers which, together, shall form two squadrons, each squadron of three companies.

SEC. 2. *Be it further ordained and decreed, &c.,* That the arms and equipments of the Legion of Cavalry shall be as follows, to wit: one half of the Legion of Cavalry to be armed with good double barrel shot guns of the usual length with flint locks, the other half with American yaugers, half ounce bore, flint locks and suitable equipments, a broad sword and a brace of substantial horseman's pistols with brass mounted holsters, and shall carry a belt, cartridge box, calculated to crary twenty-four cartridges; each trooper shall be equipped with a Spanish saddle with cadet grey housing with two good blankets, a substantial girth and surcingle, a pair of martin-gales, a bridle with a double rein curb, and a heavy pair of brass spurs. The uniform of the Cavalry shall be a suit of cadet grey cloth coats, yellow bullet buttons, and pantaloons for winter, and two suit of grey cottonade roundabouts and pantaloons for summer, and fur caps, black cloth socks and cowhide boots.

SEC. 3. *Be it further ordained and decreed, &c.,* That a copy of the foregoing Ordinances be immediately forwarded by the Provisional Government to our Foreign Agents, instructing them to purchase the necessary arms, equipments, clothing, &c., as is set forth in the foregoing Ordinances and Decrees, and forward the same as early as possible for the immediate use of the Legion of Cavalry.

SEC. 4. *Be it further ordained and decreed, &c.,* That the Legion of Cavalry shall be entitled to the same pay as Cavalry in the service of the United States of the North, and also the same bounty in land as the Auxilliary Corps, to wit: six hundred and forty acres of land.

SEC. 5. *Be it further ordained and decreed, &c.,* That the Lieutenant Colonel Commandant, shall appoint for the Legion of Cavalry his Adjutants, Pay-Master, Quarter-masters, and Quarter-master's Sergeants, Sergeant Majors and Musicians, and that the Governor be and is hereby authorized to issue commissions to such officers as may be appointed by the Lieutenant Colonel Commandant upon receiving a certificate from said officer to that effect.

Passed 18th December, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

JOHN W. MOODY, Sec'ry pro tem.  
Approved, 18th Dec. 1835.

HENRY SMITH,  
Governor.

C. B. STEWART, Sec'ry of Executive.

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*An Ordinance and Decree, creating the office of Commissary General, and regulating the offices of Pay-master and Quarter-master General.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That a Commissary General be appointed for the Army of Texas, to give bond and security, in the sum of thirty thousand dollars, and that the laws and the regulations of the United States of the North, be adopted so far as applicable to our Government, for the rules and regulations of said Commissary General's Department, with power to appoint deputies who shall give bond and security in the sum of fifteen thousand dollars, for the faithful fulfilment of their duties.

SEC. 2. *Be it further ordained and decreed, &c.,* That the Quarter-master General, Pay-master General, and Commissary General, shall have the same rank and pay as a Colonel in the line.

SEC. 3. *Be it further ordained and decreed, &c.,* That the Pay-master General of the regular Army of Texas, shall, before entering upon the duties of his office, take an oath "*faithfully to, execute the duties of his office agreeable to law, and to the best of his knowledge and ability,*" and shall account to the Provisional Government of Texas, or that Government which may succeed it, for the money advanced to him, and shall give a bond in the sum of sixty thousand dollars, with sufficient securities for the faithful discharge of his duties.

SEC. 4. *Be it further ordained and decreed, &c.,* That the Pay-master General of the regular Army of Texas, shall always quarter at or near the head-quarters of the regular Army, or at such place as the Commander-in-Chief may deem proper, and that to the Corps of Rangers and to detachments form the regular army intended

to act separately, for a time he shall appoint deputy Pay-masters from the line, who shall account to him for the money advanced to them, and shall each give a bond in the sum of twenty-thousand dollars, with sufficient sureties for the faithful discharge of their duties respectively, and take an oath "faithfully to perform and execute the duties of their office," and the Regimental Pay-master, shall also give bond in the sum of twenty thousand dollars, with sufficient sureties, and take an oath, as aforesaid, "for the faithful discharge of the duties of their offices."

SEC. 5. *Be it further ordained, &c.*, That all bonds to be given by virtue of this ordinance and decree, shall be made payable to the Governor or his successor in office, and be approved by him.

SEC. 6. *Be it further ordained and decreed, &c.*, That the Quarter-master General, of the Regular Army of Texas, shall, before entering upon the duties of his office, take an oath "faithfully to execute the duties of his office agreeably to law, and to the best of his knowledge and abilities," and shall account to the Provisional Government of Texas, or that Government which may succeed it, for all the Provisions, Clothing, Munitions of War, and supplies of every kind, which he may obtain or may be placed in his charge for the use and benefit of the regular Army of Texas, and shall give a bond in the sum of thirty thousand dollars, with sufficient sureties for the faithful discharge of his duties.

SEC. 7. *Be it further ordained and decreed, &c.*, That the Quarter-master General, shall quarter at or near the headquarters of the regular Army of Texas, and that to all detachments of the regular Army, intended to act separately for a time, the Quarter-master General shall appoint deputy Quarter-masters, and issuing Commissaries, who shall account to him for the Provisions, Clothing, and other supplies which they may receive for the use of said detachments, and shall each give a bond in the sum of fifteen thousand dollars, for the faithful discharge of their duties, respectively, with sufficient sureties, and take an oath "faithfully to execute the duties of their office," and the several Regimental Quarter-masters and issuing Commissaries shall also give bond in the sum of five thousand dollars, with sufficient sureties,

and shall take an oath for the faithful discharge of the duties of their office.

SEC. 8. *Be it also ordained and decreed, &c.*, That each of the above named officers, on the receiving of his commission, shall report himself and forthwith proceed to the discharge of his duties, or be dismissed the service.

Passed at San Felipe de Austin, Dec. 18, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE, Sec'y of General Council.

Approved, 22d Dec. 1835.

HENRY SMITH, Governor.

C. B. STEWART, Sec'y to Executive.

*An Ordinance and Decree making an appropriation for the Regular Army and for other purposes.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas*, That forty thousand dollars be and is hereby appropriated, for raising and organizing the Regular Army, and for other contingent expenses, and that the Pay-master General before drawing on the Treasury for the same, or any part thereof, shall take and subscribe the oath and give the bond and security required, by the ordinances and decrees, heretofore passed, and now in full force.

Passed at San Felipe de Austin, Dec. 21, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, December 22, 1835.

HENRY SMITH,

Governor.

C. B. STEWART,

Sec'y to Executive.

*Resolution appointing Commissioners to treat with the Cherokee Indians, &c.*

*Be it resolved by the General Council of the Provisional Government of Texas,* That Sam Houston, John Forbes, and John Cameron, be and they are hereby appointed, Commissioners to treat with the Cherokee Indians, and their twelve Associate Bands, under such instructions as may be given them by the Governor and Council, and should it so happen that all the Commissioners cannot attend, any two of them shall have power to conclude a treaty and report the same to the General Council of the Provisional Government, for its approval and ratification.

*Be it further resolved, &c.,* That said Commissioners be required to hold said treaty so soon as practicable.

Passed, Dec. 22d, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, December 28, 1835.

HENRY SMITH, Governor.

C. B. STEWART, Sec'y to Executive.

*Resolution for instructing Commissioners appointed to treat with the Cherokee Indians and their Associate Bands.*

*Be it resolved by the General Council of the Provisional Government of Texas,* That Sam Houston, John Forbes, and John Cameron, appointed Commissioners to treat with the aforesaid Indians, be and they are hereby instructed, to proceed as soon as practicable to Nacogdoches, and hold a treaty with the Indians aforesaid, and that they shall in no wise transcend the declarations made by the Consultation of November last, in any of their articles of treaty.

SEC. 2. *Be it further resolved, &c.,* That they are required in all things to pursue a course of justice and equity towards the Indians, and to protect all honest claims of the whites, agreeably to such laws, compacts, or treaties, as the said Indians may have heretofore made with

the Republic of Mexico, and that the (said) Commissioners be instructed to provide in said treaty with the Indians, that they shall never alienate their lands, either separately or collectively, except to the Government of Texas, and to agree that the said Government will at any time hereafter, purchase all their claims at a fair and reasonable valuation.

SEC. 3. *Be it further resolved, &c.*, That the Governor be required to give to the Commissioners, such definite and particular instructions, as he may think necessary to carry into effect the object of the foregoing resolutions, together with such additional instructions as will secure the effective co-operations of the Indians at a time when it may be necessary to call all the effective force of Texas, into the field, and agreeing for their services in a body for a specified time.

SEC. 4. *Be it further resolved, &c.*, That the Commissioners be authorized and empowered to exchange other lands within the limits of Texas, not otherwise appropriated, in place of the lands claimed by said Cherokee Indians and their Associate Bands:

Passed at San Felipe de Austin, Dec. 26, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of General Council.

Approved, December 28, 1835.

HENRY SMITH,

Governor.

C. B. STEWART, Sec'y of Executive.

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*Resolution for changing the name and Municipality and Town of Viesca to Milam.*

*Be it resolved by the General Council of the Provisional Government of Texas*, That the Town at the Falls of the Brazos River in the Nashville Colony, heretofore known by the name of Viesca, shall be and is hereby changed to the name of Milam, and the Municipality in which said

town is situated, shall be hereafter called and known, as the Municipality of Milam.

Passed at San Felipe de Austin, Dec. 26, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, 27th Dec. 1835.

HENRY SMITH,  
Governor.

C. B. STEWART, Sec'ry of Executive.

*Resolution authorizing all Commissioned Officers to administer the Oath prescribed by Law to persons enlisting.*

*Be it resolved by the General Council of the Provisional Government of Texas, That all commissioned officers of the Regular Army of Texas, when ordered on recruiting service, shall be authorized and empowered to administer the oath prescribed by law, to all or every person or persons, who shall enlist into the service of Texas, and sign enlistments as a soldier in the Regular Army.*

Passed at San Felipe de Austin, Dec. 26, 1835.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.

Approved, 9th Dec. 1835.

HENRY SMITH,  
Governor.

C. B. STEWART, Sec'ry of Executive.

*An Ordinance and Decree, creating the offices of Auditor and Comptroller of Public Accounts for Texas.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That there shall be, and there is hereby created the offices of Auditor and Comptroller*

of Public Accounts for Texas, under the management and control of one Auditor and one Comptroller, to be elected by the General Council, and commissioned by the Governor.

SEC. 2. It shall be the duty of the Auditor on the presentation of any claim or claims against the Provisional Government of Texas, of whatever *kind*, or originating in whatever manner, to receive and strictly examine the same, and if said claim or claims be just in all its parts in conformity with the existing laws, it shall be admitted, if not just in conformity with the existing laws, it shall be rejected by the said Auditor, who shall assign his reasons for rejecting the same, in a summary manner upon said claim or claims, and return the same to the claimant without making a record thereof, but if said claim is admitted, said Auditor shall make a record thereof, in a neat and business like manner, setting forth the time when said claim originated, the time it was audited, the name of said claimant, the name of the officer commanding, (if a military claim) to whose company attached, (if to any) by what officer certified, and for what consideration said claim originated.

SEC. 3. The Auditor of Public Accounts shall at all times, by reference to his book, be able to detect fraud or to exhibit to any commissioned officer of this Government, the Governor, the Members of the General Council, or any interested party, a correct and true situation of his office, or that of any particular claim; said Auditor shall further number and file all claims, receipts, and other evidences of debts, against the Government, in his office, so that he can at any time refer to them; he shall also report and present every Wednesday and Saturday or oftener if necessary, all claims which he admits to the Comptroller for his examination, if the amount of said claim does not exceed four thousand dollars; but if said claim shall exceed the said amount, said claim shall be presented to the General Council (if in session) or to the acting Governor.

SEC. 4. All claims under the aforesaid sum of four thousand dollars, when presented shall be examined by the Auditor, under the inspection of the Comptroller, and if said claims are approved by the Comptroller, he shall sign the same, with the words "Approved" writ-

ten thereon, and return the same to the Auditor, who upon receiving said claim so approved, shall issue a draft (countersigned by the Comptroller) on the Treasury, for the corresponding amount of money in favour of said claimant, which shall read as follows:

To

The Treasurer of the Provisional Government of Texas, you will pay to A. B. or order the sum of           dollars, out of any monies in the Treasury not otherwise appropriated.

Date, &c.

C. D. Auditor.

E. F. Comptroller.

But if said claim should amount to a larger sum than four thousand dollars, it shall be referred to the Governor or General Council, and if approved by either or both of them, said claim shall be returned to said Auditor, signed and countersigned, and approved by the Governor or General Council, in the same manner as aforesaid, and disposed of in the same manner and form as aforesaid by said Auditor and Comptroller.

SEC. 5. The Auditor shall pursue the same routine in relation to all the necessary expenses of his office, and no money shall be drawn from the Treasury unless the claim be audited, and signed by the Auditor and Comptroller, if under the amount of four thousand dollars, and by the Auditor, Comptroller and Governor, if over the sum of four thousand dollars, and made in conformity to appropriations made by law: *Provided, nevertheless,* That the General Council reserves to itself the privilege of ordering payments on claims, not within the provisions of this ordinance.

SEC. 6. That all claims on passing the General Council shall be signed by the President and Secretary, or the Governor if the Council is not in session, which shall be sufficient evidence to the Governor to countersign the corresponding draft on the Treasurer, after which the Auditor shall take the same, to his office, and place it on file, with such accompanying evidence as applies to said claim.

SEC. 7. That the Auditor shall keep a strict record of all drafts issued on the Treasury, and have said drafts

numbered, and some particular letter on each, one by which he could detect fraud or forgery, and set forth the consideration for which said draft was given, the amount thereof, whether for property lost in Public Service, expenses of the Civil Department of Government, or of the Military, if for the monthly pay of officers and soldiers of the army, or contingent expenses of the army.

SEC. 8. That the Auditor shall be and is hereby constituted a proper officer to administer oaths in all cases appertaining to the proof of the claims which may be presented to him.

SEC. 9. It shall be the duty of the Auditor to furnish any applicant a copy of any claim, record, or other public document in his office, upon the applicant paying him twelve and a half cents for each hundred words contained therein.

SEC. 10. The Auditor shall receive for his public services, the sum of one thousand dollars per annum.

SEC. 11. That the committee on public accounts shall cease to act from and after this day; that the committee on public accounts turn over all business before them to the Auditor, as soon as he enters upon the duties of his office.

SEC. 12. That all ordinances, decrees and resolutions, passed by this house, regulating, governing or defining the duties of the committee of public accounts, be and are hereby made applicable and in full force on the Auditor, except such as may come in contradiction with the foregoing ordinances.

SEC. 13. The Auditor shall keep a strict account of debts and credits: first, of each separate captain's command, if in the military service; second, of the contingent expenses of the army and military department; third, of expenses of the civil department; fourth, and of the various revenue ports.

SEC. 14. It shall be the duty and is hereby made the duty of the Comptroller, when any claim is presented him, approved by the Auditor as set forth in the foregoing, to strictly examine it, having previously well informed himself of the existing laws, and if found in all its parts consistent, and containing all the requisites of the laws, he shall write "Approved" thereon, with the date, when acted on, and shall also enter the corresponding

draft of record in a summary way, setting out in whose favour drawn, date, letter, and amount after which he shall return the claim to the Auditor, that he may place it on file, according to the requisitions of the existing laws.

SEC. 15. If on the examination by the Comptroller of any claim, presented in accordance with the foregoing ordinances, he shall find it not in conformity with the existing laws, he shall return it to the Auditor with his reasons in writing, and if the Auditor shall approve of the rejection of the Comptroller, he shall return the claim as if no action had been had thereon.

SEC. 16. If any claim which may have been returned to the Auditor by the Comptroller, shall be still approved of by him, as filling all the requisitions of the laws, he shall pass it the second time and return it to the General Council, if in session, if not to the Governor, who shall, after an examination of all the facts, decide the virtue of the claim, and if admitted return it to the Comptroller for its proper disposition, and corresponding draft to the interested party, but if it be rejected by the Council or Governor it shall be finally rejected and remain as if no action had been had thereon.

SEC. 17. It shall be the duty of the Comptroller to furnish the Treasurer on every Wednesday and Saturday evening a copy of all minutes of drafts drawn upon him from time to time, that he may be enabled to detect fraud or forging.

SEC. 18. The Comptroller shall receive for his services the sum of six hundred dollars per annum.

SEC. 19. The Auditor and Comptroller before entering upon the discharge of their respective duties, shall take and subscribe an oath, to faithfully discharge the duties of their respective offices in addition to the oath prescribed by the organic law.

SEC. 20. The Auditor shall give bond in the sum of fifteen thousand dollars, with approved security, for the faithful performance of his duties, payable to the Governor and his successors in office, and the Comptroller shall give bond in the sum of eight thousand dollars, for the faithful performance of his duties, payable to the Governor and his successors in office.

SEC. 21. The Auditor and Comptroller shall report

the state of their respective offices once in every week to the Council when in session, or to the Governor when the Council is not in session.

Passed at San Felipe de Austin, Dec. 26, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Vetoed by the Governor, passed by a constitutional majority signed Dec. 29, 1835.

HENRY SMITH,

Governor.

C. B. STEWART,

Sec'y to Executive.

*An Ordinance and Decree establishing and imposing duties on importations and tonnage and for other purposes.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That all that part of Texas from Balou's Ferry, on the Sabine River, running with the line of the United States of America and Texas, until it strikes the Red River, (so as to include all the boundary of Texas) be and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of Milam."*

And all that part of the Coast of Texas lying between the line of the United States of America on the River Sabine to the Western boundary line of Zavala's Colony, including all bays, harbours, rivers, creeks and inlets, within said limits be and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of Sabine."

And all that part of the coast of Texas between the Western line of Zavall's Colony and Oyster Creek, including all bays, harbors, rivers, creeks and inlets, within said limits be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of Galveston."

And all that part of the coast of Texas, from the mouth of Oyster Creek to the entrance of Cedar Lake, into the Gulf, including all bays, harbours, rivers, creeks and inlets, within said limits be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of Brazos."

And all that part of the coast from the entrance of Cedar Lake into the Gulf of Mexico, to the Western line of the jurisdiction of Matagorda, including all bays, harbors, rivers, creeks and inlets, within said limits be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of Matagorda."

And all that part of the coast from the Western line of the jurisdiction of Matagorda to the Guadalupe River, including all bays, harbors, rivers, creeks and inlets, within said limits be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of La Baca."

And all that part of the coast from the Western line of the District of La Baca, as far as it may be necessary to include all the coast of the Government of Texas, including all bays, harbors, rivers, creeks and inlets, or other boundary line be, and the same is hereby created and established a district for revenue purposes, and shall be styled and known as the "District of Aransas."

SEC. 2. *Be it further ordained and decreed, and it is hereby ordained and decreed,* That Earles' in the District of Milam, the Ports of Sabine, Galveston Bay, Brazos, Matagorda, La Baca, and Capano, be, and they are created and established Ports of Entry within their respective districts.

SEC. 3. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That there shall be appointed by the General Council and Commissioned by the Governor, a Collector of the Port for each Revenue District, for the collection of all imposts and tonnage dues arising under this Ordinance, who shall, also, perform the duties of Inspector, and shall reside within the limits of the District for which he shall be appointed; and shall select the most suitable place within his district for the public convenience and despatch of busi-

ness connected with his office, and give notice thereof, by advertisement in the nearest newspaper to his port, for three weeks in succession. Also, it shall be the duty of the Collector of the Galveston District to cause all the different places selected for the collection of the Revenue, to be published in one of the newspapers in New York, and in one of the newspapers in New Orleans; the cost of which notices shall be allowed to the Collectors in the settlement of their accounts. And the Collector so appointed as aforesaid, before he shall enter upon the discharge of the duties of his office, shall give bond and security—to be approved by the Governor for the time being—for the true and faithful performance of his duties as such Collector, in a sum not less than twenty-five thousand dollars; which sum, when forfeited, shall be made payable to the said Governor or his successors in office, to be by him or them placed in the Public Treasury, and applied as cause may appear.—The said bond shall be filed in the Executive Office of Texas; and it may be sued on, and recovery had in the premises, for any amount of money or moneys, or other debt or thing due to and owing in the same to the Government; or any individual or individuals, body corporate or politic: in like manner actions of trespass and damages may be had and maintained, in consequence of neglect of duty. The Collector of each port is hereby authorized to depute, if necessary, one or more respectable persons to transact the business of his appointment; and the said Collector shall severally take bond and security from each and every person so deputed, for the due and faithful performance of the respective duties assigned to him or them by virtue of his or their appointment; the said bond to be made payable, when forfeited, to the said Collector, as he must be accountable for their acts to the Government, in all matters that appertain to his office.

SEC. 4. *And be it further ordained and decreed, and it is hereby further ordained and decreed,* That the Collectors and Deputies shall, before they enter upon the duties of their office, take and subscribe to the following oath in addition to the oath prescribed by the Organic Law, before some person legally authorized to administer oaths, viz: "I will use my best endeavors to collect all reve-

nues which may become due and owing to the Government of Texas from Impost Duties and Tonnage; and I will faithfully account for and pay over all such sum or sums of money as may come into my hands by virtue of my appointment, and I will duly perform all other lawful acts assigned to my said appointment to the best of my skill and ability."

SEC. 5. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That there is imposed, assessed and levied upon all goods, wares and merchandize imported or forwarded from foreign port or ports, either by sea or by land, into any port, bay, harbor or river of Texas, or within the limits thereof, a duty of twenty-five per cent., ad valorem, on such as are entitled to a debenture in the port or ports from whence the same may have been shipped or forwarded, and a duty of fifteen per cent. ad valorem on such goods, wares and merchandize, imported or forwarded as aforesaid, as are not entitled to a debenture in the port or ports from whence the same may have been shipped.

SEC. 6. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That it shall be the duty of each and every person importing or introducing goods, wares and merchandize of any kind whatsoever, by sea or by land, or the consignee or consignees, or the master of the vessel in which the same may be imported, or any and every other person or persons having charge thereof, on the arrival of the vessel or conveyance in port, or within the limits of Texas, to lay before and exhibit to the Collector of the port, or his deputies, a certificate of export, manifest or invoice, and a certificate of debenture (if debenture goods) of the merchandize, goods and wares so imported or brought within the limits of Texas; and the Collector, or his deputy, shall require an oath or affirmation of the person or persons importing or introducing, or of his or their consignee or consignees, that the said certificate of export, manifest or invoice is correct and true, and that no fraud or deception has been or is intended to be practised therein; which, if satisfactory to the Collector or his deputy, shall be received as fixing the value of said goods, wares and merchandize; if, on the contrary, the Collector or his deputy is not satisfied as to the truth and

correctness of the manifest, oath or affirmation he shall, at the cost of the owner or owners, or of his or their consignee or consignees, call upon and appoint two good and sufficient men who, together with the surveyor or inspector, shall proceed to examine said goods, wares and merchandize, and shall appraise, fix and establish the value and price thereof at what they would be reasonably worth at the port or place of their exportation or forwarding; and when the same shall have been so examined and appraised, the two appraisers and inspector or surveyor aforesaid, shall make a certified return of the value of said goods, wares and merchandize, to the Collector or his deputy, who shall, thereupon, assess, impose and Levy a duty of twenty-five per cent., ad valorem, upon the said goods, wares and merchandize entitled to debenture, and imported or brought into Texas in the manner aforesaid; and the said Collector or his deputy shall, thereupon, assess, impose and levy, as aforesaid, a duty of fifteen per cent., ad valorem, on all such goods, wares and merchandize as are not entitled to a debenture, and shall collect the same from the owner or owners thereof, the person or persons importing or introducing the same, or the consignee or consignees to whom the same may be addressed, or the master of the vessel, or the person or persons having in charge the conveyance in which the same may have been imported or introduced; and the said goods, wares and merchandize shall be, and the same are hereby made liable for the said duties so imposed, assessed and levied — with the *exception* of whiskey, gin, rum and brandy, all of American manufacture, on which there shall be, and there is hereby imposed, assessed and levied, a specific duty of twelve and a half cents per gallon:

*Provided, nevertheless,* That all goods, wares and merchandizes imported or introduced, by sea or land, by any emigrant or emigrants, such as implements of husbandry, household furniture and utensils, provisions and stores and every description of machinery intended for the use of said emigrant or emigrants and not for sale; and all public property of any kind whatsoever, expressly and knowingly imported or introduced for the use of the Government of Texas (except sutlers' stores)

or belonging to the same, or whether expressly and knowingly introduced or imported for the use of the Army and Navy thereof; and all bacon, pork, bread stuffs, and lumber for building shall be, and the same are hereby declared free of all duty whatever, during the war. For the purpose of carrying into effect that part of this section, relative to the examination and appraisalment of such goods, wares and merchandize with whose invoice prices the Collector or his deputy may not be satisfied, the said Collector or deputy is hereby authorized and required to administer to the two appraisers and inspector or surveyor aforesaid, before they enter upon their functions, the Oath to perform, duly and conscientiously, the duty so assigned to them, to the best of their knowledge and ability.

SEC. 7. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That there shall be, and there is imposed, assessed and levied, a tonnage duty of one dollar and twenty-five cents per ton on all vessels of and above ten tons burthen, arriving at any port or harbor of Texas from any foreign port—excepting, only, vessels of war, letters of marque and reprisal, and all vessels having to enter by stress of weather or to re-fit in order to proceed on their voyage, or which may be wrecked; and on all vessels engaged in the coasting trade there shall be, and there is hereby, imposed assessed and levied a tonnage duty of twelve and a half cents per ton; and in addition to the aforesaid tonnage duty, each and every vessel arriving at and departing from any port or harbour of Texas shall pay an entrance fee of two dollars and a clearance fee of three dollars, severally and respectively,—the measurement for tonnage of said vessels to be taken from their respective Registers and the duty to be paid accordingly.

SEC. 8. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That all amounts of duties under three hundred dollars shall be paid in cash, and for all amounts over three hundred dollars and not exceeding five hundred dollars, sixty days credit shall be allowed and given, and four months for all sums exceeding five hundred dollars—payment to be secured by bond and security to the satisfaction of the Collector.

SEC. 9. *Be it further ordained and decreed, and it is*

hereby further ordained and decreed, That all articles of the growth, produce, or manufacture of Texas shall be, and are free of all duty whatsoever.

SEC. 10. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That all bonds and securities for customs or duties, made and executed in accordance with the foregoing sections, shall have the force of a judgment from their date; and the Judge or other proper officers, upon application of the Collector, shall issue execution immediately thereon, any law to the contrary notwithstanding.

SEC. 11. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That all Collectors appointed by virtue of this Ordinance and Decree, shall make quarterly returns to the Government of all importations made into their respective ports and districts, with the sums total of duties and tonnage dues amounting thereon, setting forth the income and expenditure with the proper vouchers for the same; and each and every Principal Collector shall be entitled to receive ten per cent. on the amount of duties collected, as a compensation for discharging the duties of his office; which sum shall not exceed one thousand dollars per annum. And the said Collector shall receive such other perquisites as the Collector of the Port of New Orleans receives by virtue of his office, of all of which he shall keep a true and correct account and report the same in his quarterly returns to the Office of the Provisional Government.

SEC. 12. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That it shall be lawful for the Collector, in case it should be necessary, to call upon any civil, naval or military officers to aid and assist in the enforcement and execution of these Ordinances and Decrees; that none of the officers aforesaid shall refuse or fail to give all the reasonable assistance in his or their power, to the Collector aforesaid, under penalty of his or their being suspended from the office which he or they may hold.

SEC. 13. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That on conviction of any person or persons of smuggling or of an attempt to smuggle in goods, wares and merchandize, with the

intention of defrauding the public revenue, he or they shall forfeit said goods, wares and merchandize so attempted to be smuggled in—the cause to be decided in a summary way by the Judge of the Municipality; and the said forfeited goods, wares and merchandize shall be sold at public auction by order of the said Judge or proper officer, ten days' notice thereof to be given at the court-house door and two other public places; one half of the nett proceeds to be for the use of the Government, one-fourth to go to the informer, and one-fourth to go to the Collector of the Port for prosecuting, &c. And the person or persons so convicted shall be subject to such other fine or fines as the Court having cognizance of the cause, may impose: *provided*, it shall not exceed one hundred per cent. on the assessed value of the goods, wares and merchandize so declared forfeited; and in default of payment of said fine or fines, the said person or persons so convicted, shall be imprisoned for a term not exceeding eighteen months—at the discretion of the Court. All and every vessel or vessels of whatsoever kind or description, which may be found engaged in smuggling or aiding therein, shall be confiscated, and the masters and all parties concerned or interested in the same shall be fined and imprisoned.

SEC. 14. *Be it further ordained and decreed, and it is hereby further ordained and decreed*, That the said Principal Collectors shall be, and they are hereby authorized to pay out of the public monies collected by them, all the just and necessary expenses of their respective offices, to be submitted to the Government in their quarterly returns—the payment of a deputy not included, which must be defrayed by the Collector himself if he should judge fit not to act in person.

SEC. 15. *Be it further ordained and decreed, and it is hereby further ordained and decreed*, That the Collectors of each District and the Collectors of the Ports of Entry and delivery of Texas, and all other officers belonging to the Revenue or Custom-House Department shall be, and are hereby clothed and invested with all power and authority, in their respective districts and ports, requisite and necessary to execute the duties and discharge the functions of their respective offices and stations, in order to secure more effectually the revenues aforesaid; and they are hereby directed to perform such duties as

appertain to the same grade of officers in the ports and revenue districts of the United States of North America.

SEC. 16. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That those Ordinances and Decrees establishing duties on imported goods, wares and merchandize, and duties on tonnage in the revenue districts and ports of Texas, shall take effect and be in full force from and after the day of their publication.

SEC. 17. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That an Ordinance and Decree entitled, "An Ordinance and Decree imposing duties on Importation and Tonnage, and for other purposes," passed the eighth day of December, eighteen hundred and thirty-five instant, be, and the same is hereby repealed and annulled.

SEC. 18. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That all the Collectors or Deputies, who may have given bond under the Ordinance and Decree passed the eighth day of December, eighteen hundred and thirty-five, which is repealed by the preceding section of this Ordinance and decree shall, on or before the second day of March, one thousand eight hundred and thirty-six, give bond and security agreeably to the provisions of this Ordinance and Decree — the bonds already given to remain, until that time, in full force; and on the failure of any Collector or deputy to comply by the time aforesaid, with the provisions herein established, then his office shall be declared vacant, and a new Collector or Deputy shall be appointed.

SEC. 19. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That when any vessel shall be licensed or registered in any port of Texas, it shall be the duty of the Collector, before issuing the said license or register, to make a record thereof, in a book to be kept for that purpose in his office; and he shall make a certificate of such record, referring to the book and page, upon the back of the license or register, under his hand and seal of office, for which registry he shall be entitled to receive five dollars for each register, and two dollars for each license, — the said license to be renewed yearly: and the Collector aforesaid, shall also keep a copy or record of entrances and clearances of

each and every vessel arriving at and departing from the ports of Texas; also, the said Collector shall keep on his files or record, in a book for that purpose, all manifests of goods, wares and merchandize imported, whether subject to duty or exempt therefrom; and of all articles exported from the district or port of which he is Collector, stating the quantity and description.

SEC. 20. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That all vessels, of every kind and description whatever, under twenty-one tons burthen, navigating and plying in the waters of Texas (excepting public ferries, boats and skiffs for private use,) shall be provided with a license, to be issued by the said Collectors and renewed yearly: and all vessels, of every kind and description whatever, of and above twenty-one tons burthen, shall be provided with a register, to be issued by the respective Collectors aforesaid, setting forth the build, place of construction, names of owners and master, number of tons, and all the other requisites of said documents.

SEC. 21. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That the Collectors of the Revenue Districts of Texas shall be, and the same are hereby respectively authorized to nominate and appoint Pilots, of experience and skill, to bring vessels into the ports and waters of Texas—the Collector to issue to the pilot or pilots so appointed, a license, to be renewed yearly, for the lawful exercise of his or their functions, for which a fee of two dollars each shall be paid; and that the pilot or pilots, so appointed and licensed, shall receive two dollars per foot for each foot of water that the vessel may draw, when safely conducted into said port or waters. Any vessel entering any port of Texas, where licensed pilots are stationed, such vessel, the owners or captain shall pay half pilotage when he or they may not think proper to take a pilot; and all pilots who may refuse to perform their respective duties, without just cause, shall be suspended, and be forever ineligible to said office.

Passed at San Felipe de Austin, Dec. 27, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE, Sec'y to G. C.

Approved, December 27, 1835.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Secretary of Executive.

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*An Ordinance and Decree the better to define and more permanently, to fix the boundary of the Municipality of Matagorda.*

*Be it ordained and decreed,* That the boundary line of the Municipality of Matagorda, which, heretofore, was a subject of uncertainty, shall be thus:

On the East, beginning at the entrance of Cedar Lake into the Gulf of Mexico; thence, up the lake to the upper line of Harrison's league of land; thence west, to Lindvill's Bayou; thence, up that Bayou to its source; thence, in a strait line to the residence of Jeremiah Dwyers; thence to the nearest part of the line of the Jurisdiction of Austin.

On the North-Westerly—along the line of Austin to the late established line of Jackson.

On the West—along the line of Jackson to the Bay of Matagorda.

On the South—It shall be bounded by the Bay of Matagorda and the Gulf, with all its peninsulas and islands, harbors, inlets and privileges.

The foregoing Ordinances passed the Council December 27th, enrolled and signed Dec. 28th, handed the Governor same day, but was never returned by him.

E. M. PEASE,  
Sec'y to G. C.

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*An Ordinance and Decree appointing Collectors of Public Dues, and defining their Duties.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That there shall be appointed, one Prin-

cipal Collector of Public Dues upon all lands given, granted or sold in Texas, for each of the Departments thereof, who shall have the power to appoint one or more deputies, as may be necessary for doing the duties of the office; which said Collectors shall give bond and security to the Governor and his successors in office, in the sum of *twenty-five thousand dollars* for his faithful performance, and may take such security from his deputies as he may think proper for his own safety: *provided*, that every such Collector and Deputy Collector shall, before commencing upon their respective duties, take the oath of office provided in the tenth section of the Organic Law of the Provisional Government of Texas.

SEC. 2. *Be it further ordained and decreed, &c.*, That the Collector of each Department shall make quarterly returns, and pay over all monies in his hands to the Treasurer of Texas, deducting for his services as Collector, ten per cent. in the amount collected: *provided*, it shall not exceed one thousand dollars per annum; and shall, semiannually, make a full and general settlement of all his accounts in the same manner as other public accounts are settled: *provided*, that in settling, the said Collector shall be governed by the laws heretofore directing the mode of collecting public dues upon lands in Texas; and the functions of all persons heretofore, or at present, acting as collectors as aforesaid, are declared by this Ordinance to be at an end, and from and after the publication hereof, their acts null and void.

SEC. 3. *Be it further ordained and decreed, &c.*, That the several Collectors shall be required to receive in payment for public dues on lands, such treasury orders as have been duly audited, passed and allowed agreeably to law, which shall be sufficient vouchers in the settlement of said Collectors to the amount of each treasury order: *provided*, that no Collector shall be permitted to purchase any such treasury orders, nor to have any such orders allowed in his settlement, except such as have been received in payment aforesaid, which shall be specifically stated upon the back of each order, the date, when transferred, for what land, number and quantity, and signed by the party who makes the transfer; and if any Collector shall be guilty of a violation of this ordinance, on conviction thereof, shall be fined for each

and every offence, five hundred dollars and be dismissed his office.

Passed at San Felipe de Austin, December 28, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, Dec. 30, 1835.

HENRY SMITH,

Governor.

CHAS. B. STEWART,

Sec'y of Executive.

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*An Ordinance and Decree supplemental to an Ordinance and Decree entitled, "An Ordinance and Decree appointing Collectors of Public Dues, and defining their duties."*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That the General Collectors of Public Dues upon Lands in the several Departments of Texas be required, and it is hereby made the duty of each General Collector, as aforesaid, to demand on account and settlement with all and every stamp officer or officers, receiver or receivers, collector or collectors of public dues upon lands, heretofore acting as such within each of their respective districts, and to demand and receive all money or monies from such stamp officers, receivers or collectors, as aforesaid, whose duty it shall be to render a strict and fair account to the General Collectors aforesaid, of all their official proceedings from the time of each of their several appointments, and pay over all monies in all and each of their hands, and deliver over all of their official papers and public documents, of their and each of their respective offices to the General Collectors aforesaid, to be, by them, holden subject to the future order of the Government of Texas; and any such stamp officer, receiver or collector of public dues, as aforesaid, failing to comply with the provisions of this ordinance and decree on demand, or shall fraudulently suppress, withhold, or destroy any papers or documents connected with their respective offices, or withhold any monies, or an account thereof, shall, upon conviction*

thereof before the competent tribunals, be fined in the sum of one thousand dollars, and be held in close confinement until he deliver up all such papers, documents, monies, or an account thereof, aforesaid, to the Court or General Collectors aforesaid.

SEC. 2. *Be it further ordained and decreed, &c.,* That the two per centum duties on said sales, heretofore levied and exacted in some parts of Texas by judges, receivers, collectors, stamp officers, or any other officer or officers, purporting to be officers of the Government of the State of Coahuila and Texas, whether existing by law or common usage shall, from the date of this ordinance, forever cease; and any officer of the Government of Texas exacting the same, shall, on conviction thereof, be punished as an extortioner at common law; and all officers as aforesaid, who have monies in their hands arising from the exaction of such two per centum duties shall, on the publication of this ordinance and decree, immediately render an account of and pay over to the General Collector in whose department he may be, all such monies, without fraud or further delay; and on failure to do so, being convicted thereof, shall be declared guilty of an official misdemeanor at common law, and punished as such.

SEC. 3. *And be it further ordained and decreed, &c.,* That all monies that may be received by the General Collector by virtue of this ordinance and decree, shall be accounted for in the same manner as provided for by the ordinance and decree to which this is a supplement.

SEC. 4. *Be it further ordained and decreed, &c.,* That all and every person or persons from whom such two per centum duties have been exacted since the first day of December, one thousand eight hundred and thirty-five, shall, upon application to the Auditor of Public Accounts, and the production of satisfactory and legal vouchers, that they have paid the same, recover back all such two per centum duties so exacted and paid as aforesaid; and the Auditor shall, upon all and every such application, accompanied by legal vouchers, as aforesaid, issue his draft upon the Treasury for the payment of the same.

Passed at San Felipe de Austin, Dec. 30, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE, Sec'y of G. C.

Approved, December 31, 1835.

HENRY SMITH, Governor.

C. B. STEWART, Sec'y of Executive.

*An Ordinance and Decree defining the boundary of the Municipality of Harrisburg, and for other purposes.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That the boundary lines of the Municipality of Harrisburg shall be, and they are hereby declared as follows, viz: Beginning at the entrance of Clear Creek into Galveston Bay, running up said creek with the line of the Municipality of Brazoria, and with said line to the Brazos River; thence up said river to the upper line of a league of land granted by the Mexican Government to Isaacs; thence along said line to the North-East corner of said league; thence northwardly, to include the settlements on Spring Creek, to the southern line of the Municipality of Washington; thence eastwardly along said line of the Municipality of Washington, and so far eastwardly as to intersect the line dividing the Department of Brazos and Nacogdoches; thence southwardly, along said line to Galveston Bay; thence to the place of beginning.*

SEC. 2. *Be it further ordained and decreed, That the Town of Harrisburg situate on the west bank of Buffalo Bayou within the limits described in the first section of this ordinance, shall be, and is hereby made the place for transacting the judicial and municipal business of said Municipality, and for the deposite of the Archives of the same.*

Passed at San Felipe de Austin, Dec. 30, 1835.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of the G. C.

E. M. PEASE,

Sec'y of Gen. Council.

Approved, January 1, 1836.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Executive Secretary.

*Resolution requiring Chairman of Committee of Finance to act as Controller of Public Accounts pro tem., in case of that office being vacated.*

*Be it resolved by the General Council of the Provisional Government of Texas, That the Chairman of the Committee of Finance be appointed, and is hereby required to perform the duties of Controller of Public Accounts pro tem, in case of that office being vacant; and that this Resolution be in force from and after its passage — any ordinance and decree, or resolution, to the contrary notwithstanding.*

Passed at San Felipe de Austin, Jan. 4, 1836.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.  
Approved, 5th January, 1836.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive.

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*An Ordinance and Decree for the relief of M'Kinney & Williams.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That all articles of merchandize imported by the Firm of M'Kinney & Williams into Texas, since the passage of "An Ordinance and Decree laying impost and tonnage duties," which shall appear from the invoices and bills of lading, or otherwise, to have been purchased and shipped before the passage of said ordinance and decree, be, and the same are hereby exempted from the payment of duties to which they may be subject by the ordinance and decree aforesaid: *provided*, however, that nothing in this ordinance and decree, contained, shall be construed to extend to any*

goods or merchandize the said M'Kinney & Williams may hereafter import into Texas.

Passed at San Felipe de Austin, Jan. 4, 1836.

JAMES W. ROBINSON,  
Lieut. Gov. and ex-officio Pres't of G. C.

E. M. PEASE,  
Sec'y to Gen. Council.  
Approved, January 15, 1836.

HENRY SMITH,  
Governor.

C. B. STEWART,  
Sec'y to Executive.

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*An Ordinance and Decree to prevent the importation and emigration of Free Negroes and Mulattoes into Texas.*

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas, That from and after the passage of this ordinance and decree, it shall not be lawful for any free negro or mulatto to come within the limits of Texas; and if any free negro or mulatto shall hereafter be found within the limits of Texas, as aforesaid, and it shall not appear that he or she was within said limits prior to the passage of this ordinance and decree, it shall and may be lawful for any citizen of Texas to apprehend said free negro or mulatto, and take him or her before the Judge or Alcalde of the Municipality in which he or she may be so apprehended; and upon satisfactory evidence being adduced, that such free negro or mulatto emigrated into Texas contrary to the provisions of this ordinance and decree, it shall be the duty of the Judge or Alcalde before whom such free negro or mulatto may be brought, to expose him or her to sale at public auction to the highest bidder; and the proceeds of such sale, after paying one third thereof to the apprehender, and defraying the costs and charges attending the conviction and sale of such free negro or mulatto, shall be paid into the State Treasury. And it is hereby declared and made the duty of each and every Judge and Alcalde, and of each and every Sheriff and other officers of the Peace within*

each and every Municipality throughout Texas, so to apprehend and cause to be apprehended all and every such free negro or free negroes, mulatto or mulattoes, offending against the provisions of this ordinance and decree; and that such officer or officers who shall so apprehend such free negro or negroes, mulatto or mulattoes, shall be entitled to the same compensation that is, by this ordinance and decree, allowed to citizens who may, by such apprehensions as aforesaid, render the like service.

SEC. 2. *Be it further ordained and decreed, &c.,* That it shall not be lawful for any master or owner of any ship or vessel, nor for any other person or persons whatsoever, from and after the passage of this ordinance and decree, to import, bring or induce, or aid in importing, bringing or inducing any free negro or mulatto within the limits of Texas, directly or indirectly; and if any master or owner of any ship or vessel, or any other person or persons whatsoever, shall import, bring, or otherwise induce, or aid, or abet in importing, bringing, or otherwise inducing any free negro or mulatto into Texas, as aforesaid, *he or she* so offending, shall be deemed guilty of a misdemeanor at common law, and upon conviction thereof in any Court of Record within Texas, shall be fined in the sum of five thousand dollars, and imprisoned until the same, together with the costs and charges of the prosecution, shall be paid.

SEC. 3. *Be it further ordained and decreed, and it is hereby ordained and decreed,* That this ordinance and decree shall be regularly given in charge to Grand Juries throughout Texas; and the Governor be and is hereby required to have this ordinance and decree inserted three times in the New Orleans Bulletin.

This ordinance was passed January 5th, 1836, enrolled and handed over to Governor Smith for approval but never returned.

E. M. PEASE,  
Sec'y to G. C.

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*A Resolution changing the name of the Municipality of Tenehaw to Shelby, and for other purposes.*

*Be it resolved, by the General Council of the Provisional*

*Government of Texas*, That the name of the Municipality of Tenehaw be, and the same is hereby altered and changed to that of Shelby, and that all acts hereafter passed and business done shall be in the name of the Municipality of Shelby.

SEC. 2. *Be it further resolved, &c.*, That the town of Nashville be, and the same is hereby made the Seat of Justice for the said Municipality of Shelby.

SEC. 3. *Be it further resolved, &c.*, That there shall be an election precinct in the eastern part of said Municipality, and that the election in said precinct shall be held at the residence of James B. Tucker; and that hereafter, for all elections for said Municipality, polls shall be opened at said place, and correct returns of the votes given in be made to the Seat of Justice at Nashville, by the persons superintending said elections.

Passed at San Felipe de Austin, Jan. 6, 1836.

Signed January 11th, 1836.

JOHN M'MULLEN,  
Pres't pro. tem of G. C.

EDWARD B. WOOD,

Sec'y pro tem. of G. C.

Approved January 18, 1836.

JAMES W. ROBINSON,  
Acting Governor.

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*An Ordinance and Decree prescribing the manner in which all Claims held against the Provisional Government of Texas, of any kind whatever, by the Officers, Non-Commissioned Officers and Privates of the Volunteer Army of the people shall be presented for payment; and, also, to prevent fraud and imposition upon the Government.*

SEC. 1. *Be it ordained and decreed by the General Council of the Provisional Government of Texas*, That it shall be the duty of each Captain, or any commanding officer, upon being discharged from service, or when any monthly or quarterly payment becomes due, shall make out a muster roll of his company, setting forth the names and rank of each officer, non-commissioned officer and private, and the precise time they were in service, the day they entered the service, the day they were dis-

charged, (if discharged) the Corps they were called (if any) while in service, the place where the service was rendered; and said muster roll, with the facts as set forth therein, subscribed and sworn to by said commanding officer and deposited in the office of the Executive Department, and a certified copy of said muster roll to be furnished by the Secretary of the Executive to the Auditor and Paymaster.

SEC. 2. *Be it ordained and decreed, &c.*, That any individual who produces an honorable discharge and makes oath to the same, shall be entitled to pay, although he may not have his name registered upon any muster roll: *provided*, nevertheless, he shall make oath of any money, horses, clothing and blankets, or any assistance which he may have received from any person or persons on committee or committees for the purpose of aiding Texas in the present conflict; from whom received, and of what amount or value the same may be when it was received, and the amount or value thereof to be deducted from his pay, to which he may have been entitled by an ordinance and decree in such cases made and provided.

SEC. 3. *And be it further ordained and decreed, &c.*, That the Paymaster shall compel all officers, non-commissioned officers and privates, to take the same oath as contained in the foregoing ordinance, and make the same deduction in their pay as set forth in ordinance aforesaid, provided they should have received any assistance as aforesaid.

The foregoing ordinance passed the Council Jan. 7th, and was enrolled and handed Governor Smith for approval, but never returned by him.

E. M. PEASE,  
Sec'y of G. C.

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*An Ordinance and Decree authorizing the Commissioning Tho. J. Chambers to raise an Army, &c., to be called "The Army of Reserve for the protection of the Liberties of Texas," and for other purposes.*

SEC. 1. *Be it further ordained and decreed, and it is*

hereby further ordained and decreed by the General Council of the Provisional Government of Texas, That, in addition to the provisions already made, for establishing and organizing an "Auxiliary Volunteer Corps of the Army of Texas," a division of volunteers shall be raised to be called the "Army of Reserve for the protection of the Liberties of Texas," which shall consist of one thousand one hundred and forty-five men, officers included.

That the said division shall be composed of six battalions, three of infantry, one of riflemen, one of cavalry and one of field or horse artillery.

That the battalion of infantry, riflemen and cavalry shall each be composed of four companies of seventy-one men, company officers included; and there shall be one Colonel, one Major, one Adjutant, one Quarter-Master, one Surgeon, one Commissary, one Paymaster, one Sergeant-Major and one Drum Major for each battalion; and one Captain, two Lieutenants and as many Sergeants and Corporals for each company as the commanding general of the division may deem requisite.

That the battalion of Artillery shall be composed of four companies of thirty-seven men—company officers included, and there shall be the same number of field and staff officers as for the other battalions: for each company there shall be one Captain, two Lieutenants, and a number of Sergeants and Corporals which the commandant general may consider necessary..

SEC. 2. *Be it further ordained and decreed, and it is hereby further ordained and decreed,* That to raise, organize, arm, equip and command the said division of volunteers, a General shall be appointed and commissioned, whose staff shall consist of one Adjutant-General, one Brigade-Inspector, one Brigade Quarter-Master, and one Brigade Commissary, one Brigade Pay-Master and two aids.

SEC. 3. *Be it further ordained and decreed, and it is hereby ordained and decreed,* That the said General be furnished by the Governor with the requisite number of blank commissions for the several officers of said division.

SEC. 4. *Be it further ordained and decreed, and it is hereby ordained and decreed,* That six pieces of field artillery, four six pounders and two twelves, shall be pur-

chased for said division, completely mounted for the field with caissons and other necessary appendages.

SEC. 5. *Be it further ordained and decreed, and it is hereby ordained and decreed,* That the volunteers of the said division shall enjoy the same emoluments, benefits and privileges for their services, and be subject to the same rules and regulations heretofore provided for volunteers.

SEC. 6. *Be it further ordained and decreed, and it is hereby ordained and decreed,* That Thomas J. Chambers be appointed and commissioned, and he is hereby appointed to raise, organize, arm, equip, and take command of the said division; that the pecuniary aid of ten thousand dollars which he has offered for the purpose be accepted, and the public faith is hereby pledged for the same; and that he be authorized and he is hereby authorized to raise the balance which may be necessary to arm, equip, provide and transport the said division by pledging the public faith of Texas; and it is required that every exertion be made, in order that the said Army of Reserve may be able to take the field on or before the fifteenth day of May next.

The foregoing ordinance passed the Council on 7th of January, was enrolled and handed Governor Smith for approval, but never returned.

E. M. PEASE,  
Sec'y of G. C.

*An Ordinance and Decree authorizing and empowering Thomas F. M'Kinney and Samuel M. Williams, of the firm of "M'Kinney & Williams," to effect a loan of one hundred thousand dollars, and for other purposes.*

SEC. 1. WHEREAS, certain Ordinances and Decrees have been passed, and instructions given Thomas F. M'Kinney, to effect a loan for one hundred thousand dollars, which are considered somewhat discrepant and inconsistent with each other; and whereas, it is indispensable that all negotiations of this kind should be clearly defined and well understood; therefore,

*Be it ordained and decreed, and it is hereby ordained and decreed by the General Council of the Provisional Government of Texas,* That Thomas F. M'Kinney and Samuel M. Williams, known as the firm of M'Kinney & Williams, be, and they are hereby authorized and empowered to negotiate and effect a loan of one hundred thousand dollars, for and in behalf of the Provisional Government of Texas on the firm pledge of the public faith and the public domain of the country, on the best terms consistent with the honor and dignity of the Government aforesaid.

SEC. 2. *Be it further ordained and decreed, &c.,* That the loan so effected, may be negotiated as a temporary loan, payable in a time not less than one year, and redeemable from the first permanent loans made for and in behalf of said Government, and at a rate of interest not to exceed ten per cent. per annum, or at the option of the said M'Kinney & William, directed by the best advices. The said loan may be made a part of the permanent loan authorized to be made by said Provisional Government, payable from four to fifteen years; in which latter case, the Public Agents to the United States of the North shall be duly advised thereof.

SEC. 3. *Be it ordained and decreed, &c.,* That the said M'Kinney & Williams are authorized and empowered to execute a bond or bonds agreeably to the provisions of this ordinance and decree, for the payment of the aforesaid loan, according to the terms which may be established: *provided,* that if the whole amount of the loan of one hundred thousand dollars cannot be effected, the said M'Kinney & Williams are authorized to effect a loan of a less amount—being governed by the principles aforesaid; and *provided,* also, that bonds for the payment of the said loan, may be executed by the said M'Kinney & Williams, conditioned to be received at par value in payment of any debts due Texas on lands, or other Revenues, in six months, from and after the date thereof.

SEC. 4. *Be it further ordained and decreed, &c.,* That the said M'Kinney & Williams shall be, and they are hereby authorized to retain, from the loan so effected, an

amount sufficient to reimburse all the advances made by the said M'Kinney & Williams, for and in behalf of the Government of Texas, on settlement of the same as other public accounts are settled.

SEC. 5. *And be it further ordained and decreed*, That fifteen thousand dollars out of the said loan, shall be retained, and placed in the hands of Thomas F. M'Kinney as the agent of the Commissary General's Department, under the same rules, regulations and responsibilities as are prescribed and required of the Commissary General by the law creating that office.

SEC. 6. *Be it further ordained and decreed, &c.*, That all ordinances and decrees, resolutions and instructions, heretofore given to Thomas F. M'Kinney upon the subject of the loan of one hundred thousand dollars aforesaid, be, and the same are hereby repealed.

SEC. 7. *Be it further ordained and decreed, &c.*, That the Governor be required, and it is hereby made his duty, as soon as may be, to issue the proper commission to Thomas F. M'Kinney and Samuel M. Williams, known as the firm of M'Kinney and Williams, together with such instructions as he may deem proper, not inconsistent with this ordinance and decree, for the purpose of carrying the same into full effect.

Passed January 8th, 1836.

JAMES W. ROBINSON,

Lieut. Gov. and ex-officio Pres't of G. C.

Approved, 10th January, 1836.

HENRY SMITH,

Governor.

EDWARD B. WOOD,

Sec'y pro tem. G. C.

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*An Ordinance and Decree authorizing the purchase of certain Armed Vessels of M'Kinney & Williams, and regulating the Naval service.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas*, That Edmund Andrews and Wil-

liam P. Harris, or either of them, be, and they are hereby appointed the Agents of the Provisional Government of Texas, for the purpose of examining the condition and equipment of the schooner "William Robbins," a vessel belonging to the firm of M'Kinney & Williams, and if, after they shall have duly examined her, they shall be of opinion that said vessel can be useful in the public service, they, (the said Edmund Andrews and William P. Harris,) or either of them, are hereby fully authorized and empowered, for and in the name of the Provisional Government of Texas, to contract with the proprietors thereof, and purchase the same at a fair and reasonable price, and report their acts and proceedings to this House.

SEC. 2. *Be it further ordained and decreed, &c.*, That Edmund Andrews and William P. Harris, or either of them be, and they are hereby appointed the Agents of the Provisional Government of Texas, for the purpose of examining the condition and equipments of the schooner "*Invincible*," a vessel also the property of M'Kinney & Williams, and if after such examination they shall be of opinion that said vessel is suited to the public service, by cruising in the Gulf, for the purpose of protecting our commerce or harrassing and destroying that of the enemy, and can be purchased at a fair and equitable price, they the said Edmund Andrews and Wm. P. Harris, or either of them, are hereby authorized and empowered for and in the name of the Provisional Government of Texas aforesaid, to purchase the same on such terms, as in their judgment the future means of the country will justify.

SEC. 3. *Be it further ordained, &c.*, That the naval system as adopted and practised in the United States of the North, be and the same is hereby adopted in Texas, and shall rule and govern our Naval Department.

SEC. 4. *Be it further ordained, &c.*, That should the said vessels "The Wm. Robbins" and "The *Invincible*" be purchased, as contemplated in the second and third sections of this ordinance and decree, then and in that case the Governor is hereby directed to communicate the same to our public agents in the United States of the North, to govern them in their purchases of vessels for the public service.

The foregoing ordinance passed the Council, January 5th, and was enrolled and handed Governor Smith for approval. He returned it to the house with his objection on the 8th January, when it was passed by a constitutional majority of the Council, as will be seen by reference to the Journal. The ordinance was then handed to Governor Smith for signature, but never returned by him.

E. M. PEASE,  
Sec'y of Gen'l Council.

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*An Ordinance and Decree for the better accommodation of the Claims against the Government of Texas.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That the Treasurer shall immediately cause to be printed in a neat form and shall issue in discharge of claims against the Government, and drafts on the Treasury, the amount of one hundred and fifty thousand dollars in Treasury notes, varying in specified value from one dollar to one hundred dollars, specifying on the face thereof, that they will be received in payment for lands and other public dues, or be redeemed with any monies in the Treasury not otherwise appropriated.*

SEC. 2. *Be it further ordained and decreed, by the authority aforesaid, That all collecting officers of this government, or agents entitled to receive monies due the government, are hereby required to receive the said Treasury notes, at their full value, for any monies that are or may become due to this government for lands or on the revenue of our ports, or in any way due this government: Provided, however, the collector or other agent offering to pay into the Treasury such Treasury notes in discharge of the claims of the government against said collector or other agent, shall take and subscribe the following oath:*

"I, A. B., do solemnly swear, that I have received the amount of ——— dollars in Treasury notes of Texas, at their full value, as expressed on the face thereof, of persons tendering them in payment of dues to the gov-

ernment, that I have not directly or indirectly speculated on them or exchanged other money for them."

SEC. 3. *Be it further ordained and decreed, by the authority aforesaid,* That the Treasurer shall be individually responsible for all counterfeit Treasury notes, which he may suffer to be imposed upon him or his agents, arising from any negligence of himself or his agents, and for every act of his contrary to the meaning and purposes intended by this ordinance.

SEC. 4. *Be it further ordained and decreed, by the authority aforesaid,* That it shall be the duty of the Treasurer to keep such evidences of the precise amount, date, to whom payable, letter, number, and the corresponding margin, and have such other private marks as he thinks proper, on each bill to enable himself and his successor to detect forgery.

Passed at San Felipe de Austin, Jan. 7, 1836.

Signed, Jan. 11, 1836.

JOHN M'MULLEN,  
Pres't pro tem. of Gen'l Council.

EDWARD B. WOOD,  
Sec'y pro tem. Gen'l Council.

Approved, Jan. 20, 1836.

JAMES W. ROBINSON,  
Acting Governor.

EDWARD B. WOOD,  
Sec'y to the Executive.

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*An Ordinance and Decree creating a new municipality, to be called Colorado, and for organizing the same.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas,* That that part of the Municipality of Austin, within the following bounds, viz. — Beginning at the crossing of the lower line of the Municipality of Austin, on the main Benard, thence Westerly on the line of Austin to the line of De Witt's Colony, thence Northwardly on the line of said Colony to Buckner's Creek, thence down said Creek to the La Bahia Road, thence Easterly along said road to the Middle Ground, between Mill Creek and Cummings' Creek, thence on

the said Middle Ground to the main fork of the San Bernard Creek, thence down the said Creek to the beginning, shall be, and the same is hereby made a new and separate Municipality, to be styled and known as the "Municipality of Colorado," with all and singular the rights, privileges, and immunities of other Municipalities of Texas.

SEC. 2. *Be it further ordained and decreed, &c.*, That Eli Mercer, Wm. D. Lacy, and Robert Brotherton, be, and they are hereby appointed Commissioners to locate as the Seat of Justice or Municipal Town of said Municipality of Colorado, the town of Columbus, at which place the Judges of said Municipality shall hold their Courts, and the Archives and Records of said Municipality shall be kept, and the said Commissioners are hereby authorized and required on or before the first day of February, one thousand eight hundred and thirty-six, to hold an election for all the Municipal Officers for said Municipality, first giving reasonable notice of the time and of the places of holding such elections, and shall administer to each and every Judge, and other Municipal Officers so elected, the proper oath or oaths of office, and make report thereof to the Governor of the Provisional Government of Texas, immediately thereafter.

SEC. 3. *Be it further ordained and decreed, &c.*, That the said Municipality of Colorado shall be entitled to elect and send two delegates to the General Convention, to meet at Washington on the first day of March next, agreeably to the resolutions of the Provisional Government, calling a convention of the people of Texas.

SEC. 4. *Be it further ordained and decreed, &c.*, That the said Municipality of Colorado shall be authorized, forthwith to send either one of the delegates of the late Consultation, living within their boundary, as a member of the General Council of the Provisional Government of Texas, who shall be entitled to all the privileges of members of said Council.

Passed at San Felipe de Austin, Jan. 8, 1836.

Signed, Jan. 11th, 1836.

JOHN M'MULLEN,  
President pro tem. of G. C.

EDWARD B. WOOD, Sec'y pro tem. of G. C.

Approved January 16, 1836.

JAMES W. ROBINSON,  
Acting Governor.

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*A Resolution organizing and appointing a Sutler to the  
Army of Texas.*

SEC. 1. *Be it resolved by the General Council of the Provisional Government of Texas, That there shall be a sutler appointed for the armies of Texas, and that this department of the military service shall, in all respects, be regulated and governed by the same rules and principles as govern and regulate the practice in this department in the United States of the North.*

SEC. 2. *Be it further resolved, That the sutler so appointed shall have power to appoint sutlers to act under him, at such points as the Governor or commanding General may direct; and for the faithful performance of each sub-sutler so appointed by him, the sutler shall be accountable, agreeably to law, as aforesaid.*

Passed at San Felipe de Austin January 9th, 1836; signed 22nd, 1836.

JOHN M'MULLEN,  
President pro tem. of G. C.

Edw. B. Wood,  
Sec'y pro tem. of G. C.  
Approved January 22, 1836.

JAMES W. ROBINSON,  
Acting Governor.

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*An Ordinance and Decree, supplemental to "An Ordinance and Decree appointing a Collector of Public dues, and defining his duties."*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That the Collector of Public Dues upon all lands, as set forth in the ordinance and decree to which this ordinance and decree is a supplement, be, and is hereby authorized and empowered*

to receive, from any person or persons, in payment of the amount which they owe this Government, any order, draft or claim which has been duly audited and drawn for, on the Treasurer of this Government; and if the order, draft or claim aforesaid, should exceed the amount of money so owed by any person or persons, then, and in that case, the said Collector shall endorse the same upon the said order, draft or claim, the amount of money paid by any person or persons to said Government, and take triplicate receipts of the same—one to be retained by the Collector, one given to the person paying said debt, and the other sent to the Treasurer of this Government; and for the said Collector to set forth, in said receipt, the amount of said order, draft or claim; in whose name it was drawn, and the date of the same

SEC. 2. *Be it further ordained and decreed, and it is hereby ordained and decreed, by the authority aforesaid,* That any person or persons owing this Government any money or monies, shall have the authority to pay all they owe, as aforesaid, whether the same be due or not; and the Principal Collector be, and is hereby empowered and authorized to receipt for the same,—taking care to receipt for the several sums of money in the same manner as he would have done had he collected the same, as the several sums became due.

Passed at San Felipe de Austin, Jan. 15, 1836.

JOHN M'MULLEN,  
President pro. tem. of G. C.

EDWD. B. WOOD,  
Sec'y pro tem. of G. C.  
Approved, January 19, 1836.

JAMES W. ROBINSON,  
Acting Governor.

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*Resolutions providing for the Troops at Bexar.*

SEC. 1. WHEREAS, the troops garrisoned at Bexar being without the necessary provisions and clothing for their support and comfort, and the probability of its being some time yet before the necessary supplies from

our agents in the United States for the support, subsistence and use of the army will be received; and it being absolutely necessary to make immediate provisions for the sustenance and support of those troops at Bexar; and it being impossible to drive beeves and procure provisions for their use, without horses,—therefore,

*Be it Resolved by the General Council of the Provisional Government of Texas,* That Lieut. Colonel Neill, commandant at Bexar, be, and is hereby authorized and empowered to employ as many Mexicans, or other citizens, for the purpose of driving up beeves and procuring provisions for the troops under his command, as may be required for their support; and that this Government shall respect the drafts of said commandant for the pay of the said men in his employ, as aforesaid: *provided,* that the said commandant cannot offer them any more money for their services as enlisted soldiers, or volunteer troops, than the existing laws prescribe.

SEC. 2. *Be it further resolved, &c.,* That the sum of twenty dollars per month, to the Mexicans employed by the commandant at Bexar, for the purpose of getting beeves and other provisions for the use and support of the troops under his command, be, and is hereby acknowledged by this Government; and that the said commandant be, and is hereby authorized and empowered to draw for the pay of the said Mexicans, citizens, for their services as aforesaid.

SEC. 3. *Be it further resolved,* That John W. Smith be, and he is hereby authorized and empowered to collect the sum of one thousand dollars of the public dues, or any money to that amount belonging to this Government in the department of Bexar, and to give the same to the commandant at that place; the same to be used for the support of the troops under his command—taking sufficient vouchers for the same, and report the same to this Government: and also to the Collector of Public Dues for that department.

SEC. 4. *Be it further resolved,* That an express be immediately procured, to take these resolutions to the commandant at Bexar; and that his Excellency James W. Robinson, acting Governor of Texas, be required to

communicate with the commandant at said post, and forward these resolutions to said commandant.

Passed at San Felipe de Austin, Jan. 16, 1836.

JOHN M'MULLEN,

President pro tem. of G. C.

E. M. PEASE, Sec'y of the Gen. Council.

Approved, January 17, 1836.

JAMES W. ROBINSON,

Acting Governor.

EDWD. B. WOOD,

Sec'y of Executive.

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*An ordinance and decree, entitled "An Ordinance and Decree for opening the several Courts of Justice, appointing Clerks, Prosecuting Attorneys, and defining their duties, &c.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That in conformity with the powers vested in said Government by the sixth act of the organic law, courts of justice are declared to be open, and required to exercise all the powers and functions contemplated by the aforesaid sixth act of the organic law, and that the suspension of civil proceedings shall cease from and after this day: provided, nevertheless, under such regulations and restrictions as are hereinafter ordained and decreed.*

SEC. 2. *Be it further ordained and decreed, &c., That the judges of the several municipalities shall hold their regular terms of court once in three months, commencing on Mondays, and continuing their terms of session until all the business of the court is finished, or the docket gone through with. The prosecution of all crimes and misdemeanors shall be regulated by the common laws of England, for which the courts of each municipality are to be governed: provided, nevertheless, that the body of the grand jury may be composed of fifteen jurors, to be taken from that number first drawn from the whole panel of jurors of each municipality; and in all cases where it may be necessary to form a jury, the court shall order the sheriff to summons talis-*

men from the by-standers, according to the common law practice.

SEC. 3. *Be it further ordained and decreed, &c.*, That all proceedings relative to successions, matters of probate, *et cetera*, shall be regulated and governed agreeable to the principles and laws in similar cases in the State of Louisiana: *provided*, that no judge shall act as administrator, but in all cases of intestacy the next of kin; and other principles of the common law shall prevail in the appointment of administrators and guardians. And the judges shall proceed to complete all unfinished business which remains on file, or of record of their predecessors, under the laws of Coahuila and Texas, including all appeals which have been taken from their respective municipalities to the Superior Court, the records of which shall be returned to the courts of their respective municipalities, and the trials thereon be had *de novo: provided*, that in all cases where new municipalities have been created, taken from one or municipalities, it shall be the duty of the clerk of the court of the old municipality to transmit all original papers, documents and transcripts of proceedings had in each case or suit; and all original papers and proceedings relative to successions, testamentary business of every kind, and all unfinished business and proceedings whatever, belonging to or connected with the citizens of the new municipality, to the clerk of the court of the said municipality, to be regulated by the rules of practice in suits, as heretofore existed in the country.

SEC. 4. *Be it further ordained and decreed, &c.*, That the first judge of each and every municipality, shall hold Probate Courts on the first Monday in every month, at the courthouse or clerk's office; and for executing notarial acts, taking judgments by confession, and transacting all other business which may be done without the intervention of a jury.

SEC. 5. *Be it further ordained and decreed, &c.*, That any party dissatisfied with the decision made, or verdict entered against him, in any of the several courts of the municipalities aforesaid, shall have the right of appeal to any of the several courts in the adjoining municipalities, by paying all costs that may accrue by taking such appeal, and taking and subscribing the following

oath, viz: I, A. B., do solemnly swear that it is not for the purpose of delay that I take this appeal, but because I firmly believe, that injustice has been done me.

SEC. 6. *Be it further ordained and decreed, &c.,* That all Alcaldes and Commissarios in the several Municipalities of Texas, shall have jurisdiction in all civil cases, where the matter in controversy does not exceed fifty dollars: nevertheless he shall have the right of appeal if either party is dissatisfied, to the Primary Judge's Court of their respective Municipalities, upon the same terms and restrictions as in the 5th section of this Ordinance and Decree: and the Alcaldes and Commissarios shall have the same jurisdiction in arresting and committing offenders against the laws as Justices of the Peace under the common laws of England.

SEC. 7. *Be it further ordained and decreed, &c.,* That all Judges, Alcaldes and Commissarios, shall have power to enforce order, punish contempts in their courts, in a summary way by fine and imprisonment, and all judicial and ministerial officers, shall be officers of the peace in their respective municipalities.

SEC. 8. *Be it further ordained and decreed, &c.,* That the following persons and their property shall be privileged from arrest, attachment, execution, embargo, and sequestration, in all civil cases, to wit: all officers and soldiers commissioned or enlisted in the regular army of Texas, or in the navy, for the time being; all public agents to foreign countries, all members and officers of the General Council, and of the Provisional Government, while in attendance upon their official duties; and all the members of the late volunteer army until they return to their respective homes.

SEC. 9. *Be it further ordained and decreed, &c.,* That all judges, alcaldes, commissarios, and regular accredited ministers of the Gospel, of whatever denomination, shall have the power to celebrate the rites of matrimony in their respective municipalities, which shall be done in the presence of not less than three disinterested and reputable witnesses, certificates of which shall be made and signed by the said judge, alcalde, commissario, or minister of the Gospel, who may celebrate the same, tested by two or more witnesses present, one of which shall be given to the bride, and the

other filed with the archives of said municipality; and all marriages so celebrated, shall be valid to all intents and purposes, in law and in equity. And all marriages heretofore celebrated by bond or otherwise, under the heretofore existing laws, are, in like manner, declared and decreed to be valid: *provided*, that all officers who have attended to the same, shall, on application of either party, or the friend of either party, file the bond or other evidence of such marriage, with the archives and records of the courts of their respective municipality; and on failure to do so, within ten days after application is made, shall be fined, in a summary way, in the sum of one hundred dollars—to be paid to the injured party; and to be, in the same manner, fined from time to time within ten days after each application, until the same is done; *provided*, also, that all marriages heretofore entered into under the heretofore existing laws, shall be, and are hereby declared legal, and the issue of the parties legitimate.

SEC. 10. *Be it further ordained and decreed, &c.*, That all fines in criminal cases in *qui tam* actions shall be enforced, agreeable to the principles of the common laws of England; and the officer collecting the same shall pay it over to the treasurer of his respective municipality.

SEC. 11. *Be it further ordained and decreed, &c.*, That juries for the several municipalities shall be drawn and summoned in the same manner, and made the same rules and regulations as heretofore practised in Texas; and all witnesses shall be summoned and their attendance enforced, in the same manner as heretofore done; and all judges and the judicial officers shall have discretionary power to continue suits, upon good cause being shewn by the party applying for the same, under the same rule and restrictions heretofore practised.

SEC. 12. *Be it further ordained and decreed, &c.*, That all judges, alcaldes and commissarios shall have power to administer oaths of office, and legal oaths to persons in the army and navy, or wherever an oath is made necessary by the laws in force; and all municipal officers contemplated by the sixth section of the organic law, who have heretofore been required to give bond, shall give bond with approved security, and take the oath of

office prescribed by law, for the faithful performance of their several duties.

SEC. 13. *Be it further ordained and decreed, &c.,* That when any action is brought, suit instituted, or controversy arises, in any of the several courts of the different municipalities of Texas, either party, his agent or attorney, upon making proper application to the judge or clerk, that a material witness or witnesses is residing without said municipality, or without the jurisdiction of said court, the said party, his agent or attorney, shall be entitled and receive a commission for taking the deposition of said witness or witnesses, after the manner and form heretofore in practice, or under the rules and regulations of the common law.

SEC. 14. *Be it further ordained and decreed, &c.,* That the alcaldes and commissarios of each and every municipality in Texas, shall appoint a constable or other suitable officer, to serve all writs, citations, summonses, and execute all processes and orders issued or placed in his hands by said alcaldes or commissarios; and shall give a bond in the sum of one thousand dollars, payable to the Governor and his successors in office, with security to be approved by the said alcaldes and commissarios, for the faithful performance of his several duties, and the careful preservation of all papers placed in his hands, and take the same oath prescribed for all officers of this Government; and the said constable or officer shall receive the same fees as sheriffs have heretofore received in similar cases, for his services.

SEC. 15. *Be it further ordained and decreed, &c.,* That the constable or other officer so appointed, shall have his appointment properly certified and forwarded to the acting Governor, and receive his commission as all other officers.

SEC. 16. *Be it further ordained and decreed, &c.,* That there shall be a clerk appointed for each municipality, and that the said clerk shall be appointed by the first and second judge and alcalde, or a majority of them of each municipality; and after so appointed, and the same duly certified and reported to the Governor, he shall receive his commission as such. It shall be the duty of said clerk to take charge of the papers, archives and dockets of the judge's court, in his municipality; to record all deeds and other conveyances, register wills,

and keep a record of all suits and cases in the said judge's court: he shall copy all writs filed in the judge's court, issue summonses for witnesses, and do all acts which clerks have to do in the superior or circuit courts of the United States of the North: he shall give bond in the sum of five thousand dollars, with security to be approved by the judges and alcalde aforesaid, for the careful preservation of the papers, archives, records and dockets so placed in his charge; and for the faithful performance of his several duties as clerk, and take the oath of office prescribed for all other officers of the Provisional Government of Texas: *provided*, that all writs shall be test of the last day of the term preceding the issuing thereof, and in the name of the first judge of each municipality, returnable to the first day of the succeeding term: *provided*, that the date of issuing said writ shall be noted in the margin, which shall be at least ten days before the same is made returnable; and *provided*, also, that the following shall be the style and form of all judicial writs, viz:

In the name of the people free and sovereign:  
 To E. P., sheriff of the municipality of \_\_\_\_\_ :  
 We command you, that you summons, or attach, the body of  
 A. B., so that he be and appear before \_\_\_\_\_  
 \_\_\_\_\_, first Judge of the municipality of \_\_\_\_\_  
 on the \_\_\_\_\_ day of \_\_\_\_\_, in the year  
 \_\_\_\_\_, at the town of \_\_\_\_\_, to  
 answer to C. D. in a plea of \_\_\_\_\_  
 \_\_\_\_\_ to his damage  
 and as you faithfully execute this, so you will answer.  
 Witness E. F. our said  
 Judge of the aforesaid municipality, on the \_\_\_\_\_ day of \_\_\_\_\_  
 A. D., \_\_\_\_\_ at the  
 town of \_\_\_\_\_  
 \_\_\_\_\_ G. H., Clerk.  
 Issued on \_\_\_\_\_ A. D.

SEC. 17. *Be it further ordained and decreed, &c.*, That there shall be one Prosecuting Attorney of each municipality, to be appointed after the same manner as the clerk of the Court, whose duty it shall be to prosecute in the name of the people, all offences cognizable in the courts of the several municipalities.

SEC. 18. *Be it further ordained and decreed, &c.*, That the following shall be the fees of the municipal officers

here named, to wit: The Judges of the court of each municipality shall be entitled to a salary of one hundred dollars per annum, in addition to the fees arising from the Notarial Acts, and as Probate Judge—which shall be two dollars for each time he shall sign his name as Notary Public; and five dollars if he should write the instrument to which he may so sign his name.

The clerk's fees as follows, viz: For each and every Deed, Transfer, or other conveyance of real or personal property recorded, and entering certificate upon the back of the same, two dollars; for each copy of Petitions and Writs, one dollar; to be taxed in the bill of costs against the party cast in court; for every summons for witnesses, fifty cents, to be taxed in the same manner. For each commission for taking the deposition of witnesses, one dollar twenty-five cents, to be also taxed in the bill of cost against the party cast, and the same fees in criminal as in civil cases; and for all other services rendered by said clerk, he is to charge and receive the same compensation in proportion to the fees in the above named cases; and in all cases to be taxed by the judge.

*Prosecuting Attorney's Fees.*—For drawing and prosecuting every indictment in cases of felony, under the common law of England, twenty dollars; and for misdemeanors, ten dollars; and where the criminal is acquitted or unable to pay the same, it shall be paid out of the fines imposed by the Court, or public funds of or belonging to this government, in the municipality where he is appointed. The sheriff's fees to be the same as heretofore received, except in the collection of debts, which shall be as follows:—for all sums under five hundred dollars, five per cent.; over five hundred dollars, and under one thousand dollars, three per cent.; over one thousand dollars, two per cent.

SEC. 19. *Be it further ordained and decreed, &c.,* That the court and bar, in every municipality, shall make and adopt their own rules and practice: *Provided, nevertheless,* no rule shall be adopted which will be in violation of, and contrary to any principle of law, now in force as contemplated by this ordinance and decree.

SEC. 20. *Be it further ordained and decreed, &c.,* That courts shall be holden in each municipality in Texas, so soon after the publication of this ordinance and decree,

as the citizens can be notified of the same, and a jury drawn, and summoned as pointed out in this ordinance and decree: and it shall be the duty of the judges aforesaid, to carry the same into effect.

SEC. 21. *Be it ordained and decreed, &c.,* That the Alcaldes and Commissarios shall be entitled to the same fees as the Primary Judge in the first instance heretofore received for all sums under fifty dollars.

SEC. 22. *Be it further ordained and decreed, &c.,* That from and after the passage of this ordinance and decree, no person shall be admitted to practice in law in any Courts of Texas, without having undergone an examination before three practising attorneys in each municipality, to be appointed by the judge thereof for that purpose, touching his abilities and fitness, and shall obtain a license from them to practice the law in the courts of Texas, aforesaid: *Provided, nevertheless,* That each and every stranger who has obtained a license to practice in any of the superior courts of the United States, and shall exhibit said license or a certificate from some clerk or judge of some superior court of law and chancery in the United States of the North, that he has practiced, and was duly authorized to practice the law in said courts of law and chancery, shall be admitted to practice in the several courts of Texas.

SEC. 23. *Be it further ordained and decreed, &c.,* That each and every attorney admitted to practice, in addition to the oath presented by the Organic Law, shall take and subscribe the following oath:

"I, A. B., do solemnly swear, that I will honestly and faithfully demean myself in the practice of the law, according to the best of my skill and judgment."

SEC. 24. *Be it ordained and decreed, &c.,* That marriage fees, from and after the passage of this ordinance and decree shall be five dollars.

Passed at San Felipe de Austin January 16th, 1836.

JOHN M'MULLEN,  
President pro tem. of G. C.

E. M. PEASE,  
Sec'y of Gen'l Council.  
Approved January 22, 1836.

JAMES W. ROBINSON,  
Acting Governor.

*Resolutions appointing Commissioners to treat with the Comanche Indians.*

SEC. 1. *Resolved by the General Council of the Provisional Government of Texas,* That five commissioners be appointed to make and enter into a treaty of amity and commerce, on the part of this Government, with the Comanche Indians: *provided,* nevertheless, said treaty, when so made and entered into, shall be subject to the examination of the Government of Texas, either to be ratified or rejected by this Government, or that which may succeed it.

SEC. 2. *Be it further resolved, &c.,* That the said commissioners be, and are hereby required to repair immediately to the city of Bexar, for the purpose of meeting and treating with the said Indians on the most favorable terms, in order to secure their friendship, and at the same time not to sacrifice the interest of Texas, or curtail the rights and privileges of her citizens.

SEC. 3. *Be it further resolved, &c.,* That the sum of five hundred dollars be, and is hereby appropriated for the expenses of said treaty, and to carry the same into effect; and that John W. Smith, or the collector of public dues for the department of Bexar, or either of them be, and is hereby authorized, and fully empowered, to collect the aforesaid sum of five hundred dollars, from any person or persons indebted to this Government, or from any person or persons having in their charge or possession, any money or monies belonging in any manner to this Government; and to deliver and pay over said sum of money, when so collected, to the commissioners contemplated by these resolutions, taking duplicate receipts from said commissioners for the same; one to be retained by himself, and the other forwarded to the treasurer of Texas; and, also, to report the same to the acting Governor and Council.

SEC. 4. *Be it further resolved, &c.,* That the acting Governor of Texas, James W. Robinson, be, and is hereby required and instructed to commission or otherwise appoint the commissioners who are to carry into effect the treaty contemplated by these resolutions, upon receiving a report of their election by the General Council, and to give said commissioners such instructions as he may deem expedient, in order to effect the object set forth in

the foregoing resolutions, and provided the same shall not be incompatible with the object herein set forth; and that his Excellency the Governor be further required to notify said commissioners of their appointment, and order them to proceed directly to the city of Bexar, to make and enter into said treaty, as herein prescribed and set forth.

SEC. 5. *Be it further resolved, &c.,* That a certified copy of the foregoing report and resolutions be furnished the Governor, immediately upon their passage; to be forwarded to said commissioners by the secretary of the General Council.

Adopted and passed in council at San Felipe de Austin, January 17th, 1836.

JOHN M'MULLEN,  
Pres't pro tem. of G. C.

E. M. PEASE,  
Sec'y to Gen. Council.  
Approved January 17, 1836.

JAMES W. ROBINSON,  
Acting Governor.

EDWARD B. WOOD,  
Sec'y to the Executive.

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*Resolution requiring the late Governor, Henry Smith, to deliver up the Papers, Records, &c., of the Executive Department, and for other purposes.*

SEC. 1. *Be it resolved, by the General Council of the Provisional Government of Texas,* That the late Governor, Henry Smith, be, and is hereby required, within two hours after notice thereof given, to surrender possession of all the papers, records, public correspondence, and public documents of every kind, belonging to the Executive Department of Texas, or cause the same to be delivered to the proper officer of this Government, who is authorized to receive the same; and that due notice of this resolution shall be given the late Governor, Henry Smith, aforesaid, with the name of the officer who is authorized to receive the papers, documents, &c., as aforesaid.

SEC. 2. *Be it further resolved, &c.,* That if the said

Henry Smith, shall refuse to comply with the requisitions of the foregoing resolution, within the time prescribed therein, that the acting Governor be, and he is hereby required and instructed to have said papers, records, public correspondence and documents aforesaid, immediately taken from the possession of the late Governor, aforesaid, and placed in the charge and safe keeping of the secretary *pro tem.* of the Executive, Edward B. Wood; and for the same to be done by the proper officer of this Government, as aforesaid, who shall receive the same; and who, in case of resistance, shall call to his aid the power of the country, all officers of the civil and military, and all citizens of the country, who shall obey the call of said officer in the execution thereof.

Passed at San Felipe de Austin, Jan. 17, 1836.

JOHN M'MULLEN,

Pres't *pro tem.* of Gen'l Council.

E. M. PEASE,

Sec'y to Gen. Council.

Approved, Jan. 17, 1836.

JAMES W. ROBINSON,

Acting Governor.

EDWARD B. WOOD,

Secretary to Executive.

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*A Resolution for appointing a Committee of Finance, and defining their duties.*

*Be it resolved by the General Council of the Provisional Government of Texas, That a Committee of Finance shall be appointed, to consist of four members, who, in the event of there not being a quorum of the Council present, shall be, and are hereby authorized to pass and allow accounts and claims against this Government, under the same rules and restrictions the General Council has heretofore done; and they shall be, and are hereby, vested with the same equitable powers that now rest in the General Council; and shall have power to draw for contingent expenses, and to do all other acts as fully and completely connected with the object of their appointment, as the General Council has hereto-*

fore done; and that the President of the Council shall be, *ex-officio*, a member of said committee.

Passed at San Felipe de Austin, Jan. 17, 1836.

JOHN M'MULLEN,  
President pro tem. of G. C.

E. M. PEASE,  
Sec'y of Gen. Council.  
Approved January 17, 1836.

JAMES W. ROBINSON,  
Acting Governor.

EDWARD B. WOOD,  
Sec'y to Executive.

*A Resolution for appointing an Advisory Committee of the Council, and for other purposes.*

*Be it resolved by the General Council of the Provisional Government of Texas, That a committee of five shall be appointed to act, in the event of there not being a quorum of the members of the Council present, to provide expresses for the acting Governor, James W. Robinson, to send for absent members of the General Council, and to aid and counsel the Executive, aforesaid; in giving advice and instructions to the foreign agents of this Government, to assist in making and carrying into effect the Indian treaties; and to aid, advise and assist in all other matters connected with the Executive Department, in which the General Council would be required to advise instructions, and to advise and assist in any manner or form whatever, wherein the General Council should act cooperatively with the Executive.*

Passed at San Felipe de Austin, Jan. 17, 1836.

JOHN M'MULLEN,  
President pro tem. of G. C.

E. M. PEASE,  
Sec'y to Gen. Council.  
Approved, 17th January, 1836.

JAMES W. ROBINSON,  
Acting Governor.

EDWARD B. WOOD,  
Sec'y to Executive.

*A Resolution giving certain powers to the acting Governor, in the event of there not being a quorum of the Council present.*

*Be it resolved by the General Council of the Provisional Government of Texas, That in the event of there not being a quorum of the Council present, the acting Governor of Texas, by and with the consent of the Advisory Committee, be, and is hereby clothed with full and ample power to enforce and carry into effect, all ordinances, laws and resolutions passed, adopted, or enacted by the General Council of the Provisional Government, and all other laws of Texas; and, also, to appoint and commission any officer or officers that may be necessary to fill any vacancy that has or may occur in the same time: provided, nevertheless, said appointment, so made by the Executive, shall be at an end on the assembling of a quorum of the General Council, unless said appointment should be ratified and confirmed by the General Council, upon so assembling.*

Passed at San Felipe de Austin, Jan. 17, 1836.

JOHN M'MULLEN,  
President pro tem. of G. C.

E. M. PEASE,  
Sec'y to Gen. Council.  
Approved, January 17, 1836.

JAMES W. ROBINSON,  
Acting Governor.

EDWD. B. WOOD,  
Sec'y to Executive.

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*An Ordinance and Decree creating the Office of Marshal of Texas, and defining his duties.*

SEC. 1. *Be it ordained and decreed, and it is hereby ordained and decreed, by the General Council of the Provisional Government of Texas, That there shall be appointed a Marshal for the Provisional Government, whose powers shall extend over the whole of Texas, in the discharge of his duties, as hereinafter described; and the said Marshal be, and is hereby, authorized to appoint as many deputies as he may deem necessary to carry into effect the duties of his office.*

SEC. 2. *Be it further ordained, &c.*, That it shall be the duty of the Marshal so appointed, to execute all process from the General Council incident to the Sergeant-at-Arms, according to the usages of the parliament of England, or of the Congress of the United States of the North; and it shall also be the duty of said Marshal to execute all orders and process from the General Council, connected with their capacity as a high court of Admiralty; and by himself and his deputy, to execute all proceedings which shall be issued by any court in Texas, against sheriffs or other public officers; and to do and perform all acts incident to the office and duties of a marshal in the several States, or United States of the North, in the several courts and municipalities of Texas; and that said marshal be, and is hereby required to give bond in the sum of twenty thousand dollars, payable to the Governor and his successors in office, and take the oath of office prescribed for all officers of this Government: *provided*, also, that said Marshal shall be subject to such rules, regulations and restrictions as the General Council shall or may, from time to time, impose and adopt, or order and direct; and that said Marshal shall receive and be allowed for his services, so much as the General Council shall deem his services to be worth, until stated fees of office shall be fixed by the Government, in accordance with high trust and responsibilities of office.

Passed at San Felipe de Austin, Jan. 17, 1836.

JOHN M'MULLEN,  
President pro tem. of G. C.

E. M. PEASE,  
Sec'y of General Council.  
Approved, January 17, 1836.

JAMES W. ROBINSON,  
Acting Governor.

EDWD. B. WOOD,  
Sec'y to Executive.

## EXECUTIVE ORDINANCE.

WHEREAS, we, the people of Texas, through our delegates in General Convention assembled, for the purpose of framing a Constitution, and organizing a Government under that Constitution, free, sovereign and independent; and finding, from the extreme emergency of the case, and our critical situation, that it is a duty we owe to our fellow-citizens and ourselves, to look upon our present danger with a calmness unruffled, and a determination unsubdued; and at the same time, to pursue a prompt and energetic course for the support of our liberty and protection of our property and lives; therefore,

1st. *Resolved*, That we deem it of vital importance to forthwith, form, organize and establish a Government, "*ad interim*," for the protection of Texas, which will have full, ample and plenary powers to do all and every thing which is contemplated to be done by the General Congress of the people, under the powers granted to them by the constitution, saving and excepting all legislative and judicial acts.

2nd. *Resolved*, That said Government shall consist of a chief executive officer, to be styled the "President of the Republic of Texas;" a Vice-President, Secretary of State, Secretary at War, Secretary of the Navy, Secretary of the Treasury, and Attorney General, whose salaries shall be fixed and determined by the first Congress of the Republic.

3rd. *Resolved*, That all questions touching the powers hereby confided to these officers, shall be decided by a majority of said officers.

4th. *Resolved*, That the President be elected by this convention: and that the candidate or individual having a majority of the whole number of votes given in, shall be, and is hereby, declared to be duly elected.

5th. *Resolved*, That the Vice-President, the aforesaid Secretaries and Attorney General, be elected by this Convention, a majority of the whole number of votes being requisite to a choice.

6th. *Resolved*, That the members of this body vote for the above named officers "*viva voce*."

7th. *Resolved*, That the officers so elected, be required to take the oath prescribed by the Constitution.

8th. *Resolved*, That the President, by and with the advice and consent of a majority of his cabinet, shall have the appointment of all officers, civil, military and naval, for, and during, the existence of the Government "*ad interim*."

9th. *Resolved*, That the Government aforesaid, shall be invested, and they are hereby, vested with full powers to create a loan, not to exceed one million of dollars; and to pledge the faith and credit of the Republic, and the proceeds of the sale of the public lands, for the repayment of the same, with the interest thereon.

10th. *Resolved*, That the President and his cabinet shall have full power to appropriate the funds of Texas, to the defence of the country, by raising and supporting the army and navy, making fortifications, &c.

11th. *Resolved*, That said officers hold their offices until their successors are chosen and qualified.

12th. *Resolved*, That the President, by and with the advice and consent of his cabinet, shall have power to issue writs of election for senators and representatives, at an earlier day than that fixed by the constitution, and convene them as soon after the election, as may be convenient.

13th. *Resolved*, That said Government have ample and plenary powers to enter into negotiations and treaties with foreign powers.

14th. *Resolved*, That the President and his cabinet have power to appoint commissioners to any foreign power.

The foregoing fourteen resolutions were adopted in convention of the people of Texas, assembled at the town of Washington, on the 16th day of March, in the year of our Lord one thousand eight hundred and thirty-six.

RICHARD ELLIS,  
President of the Convention.

Attest, H. S. KIMBLE,  
Secretary.

# INDEX

## TO ORDINANCES AND DECREES OF THE PROVISIONAL GOVERNMENT OF TEXAS.

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L A W S

OF THE

REPUBLIC OF TEXAS

IN TWO VOLUMES.

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PRINTED BY ORDER OF THE SECRETARY OF STATE.

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VOLUME I.

HOUSTON.  
1838



THE  
DECLARATION OF INDEPENDENCE  
MADE BY THE  
DELEGATES OF THE PEOPLE OF TEXAS  
IN  
GENERAL CONVENTION, AT WASHINGTON,  
ON MARCH 2ND, 1836.

---

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression. When the federal republican constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants. When, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued, and so far from their petitions and remonstrances

being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to enforce a new government upon them at the point of the bayonet.

When, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements, in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican government, by its colonization laws, invited and induced the Anglo American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced to the late changes made in the government by General Antonio Lopez de Santa Anna, who, having overturned the constitution of his country, now offers, as the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It hath sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation, carried on at a far distant seat of government, by a hostile majority, in an unknown tongue, and this too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government, and have, in accordance with the provisions of the national constitution, presented to the general congress a republican constitution, which was, without a just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavour to procure the acceptance of our constitution, and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain,) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self government.

It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved, by force of arms, the state congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant parts for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen—and formidable only to tyrannical governments.

It has invaded our country both by sea and by land, with the intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing, to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenceless frontiers.

It has been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance: our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion, that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that they are unfit to be free, and incapable of self government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a free, sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the supreme Arbiter of the destinies of nations.

In witness whereof we have hereunto subscribed our names.

RICHARD ELLIS,

President and Delegate from Red River.

ALBERT H. S. KIMBLE, Secretary.

C. B. Stewart,  
James Collinsworth,  
Edwin Waller,  
A. Brigham,  
John S. D. Byrom,  
Francis Ruis,  
J. Antonio Navarro,  
William D. Lacy,  
William Menifee,  
John Fisher,  
Matthew Caldwell,

John S. Roberts,  
Robert Hamilton,  
Collin McKinney,  
A. H. Latimore,  
James Power,  
Sam. Houston,  
Edward Conrad,  
Martin Palmer,  
James Gaines,  
William Clark, jun.,  
Sydney O. Pennington,

William Motley,  
Lorenzo de Zavala,  
George W. Smyth,  
Stephen H. Everett,  
Elijah Stepp,  
Claiborne West,  
William B. Leates,  
M. B. Menard,  
A. B. Hardin,  
John W. Bunton,  
Thomas J. Gazley,  
R. M. Coleman,  
Sterling C. Robertson,  
George C. Childress,  
Baily Hardiman,  
Robert Potter,  
Charles Taylor,

Samuel P. Carson,  
Thomas J. Rusk,  
William C. Crawford,  
John Turner,  
Benjamin Briggs Goodrich,  
James G. Swisher,  
George W. Barnet,  
Jesse Grimes,  
F. O. Legrand,  
David Thomas,  
S. Rhoads Fisher,  
John W. Bower,  
J. B. Woods,  
Andrew Briscoe,  
Thomas Barnett,  
Jesse B. Badgett,  
Stephen W. Blount.

I do hereby certify that I have carefully compared the foregoing Declaration, and find it to be a true copy from the original filed in the archives of the Convention.

Given under my hand this 17th day of March, 1836.

Attest,

H. S. KIMBLE,  
Secretary of the Convention.



# CONSTITUTION

OF THE

# REPUBLIC OF TEXAS.

---

We, the people of Texas, in order to form a government, establish justice, ensure domestic tranquility, provide for the common defence and general welfare; and to secure the blessings of liberty to ourselves, and our posterity, do ordain and establish this constitution.

## ARTICLE I.

SECTION 1. The powers of this government shall be divided into three departments, viz: legislative, executive and judicial, which shall remain forever separate and distinct.

SEC. 2. The legislative power shall be vested in a senate and house of representatives, to be styled the congress of the republic of Texas.

SEC. 3. The members of the house of representatives shall be chosen annually, on the first Monday of September each year, until congress shall otherwise provide by law, and shall hold their offices one year from the date of their election.

SEC. 4. No person shall be eligible to a seat in the house of representatives until he shall have attained the age of twenty-five years, shall be a citizen of the republic, and shall have resided in the county or district six months next preceding his election.

SEC. 5. The house of representatives shall not consist of less than twenty-four, nor more than forty members, until the population shall amount to one hundred thousand souls, after which time the whole number of representatives shall not be less than forty, nor more than one hundred: Provided, however, that each county shall be entitled to at least one representative.

SEC. 6. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SEC. 7. The senators shall be chosen by districts, as nearly equal in free population (free negroes and Indians excepted,) as practicable; and the number of senators shall never be less than one third nor more than one half the number of representatives, and each district shall be entitled to one member and no more.

SEC. 8. The senators shall be chosen for the term of three years, on the first Monday in September; shall be citizens of the republic, reside in the district for which they are respectively chosen at least one year before the election; and shall have attained the age of thirty years.

SEC. 9. At the first session of congress after the adoption of this constitution, the senators shall be divided by lot into three classes, as nearly equal as practicable; the seats of the senators of the first class shall be vacated at the end of the first year; of the second class, at the end of the second year; the third class, at the end of the third year, in such a manner that one-third shall be chosen each year thereafter.

SEC. 10. The vice president of the republic shall be president of the senate, but shall not vote on any question, unless the senate be equally divided.

SEC. 11. The senate shall choose all other officers of their body, and a president pro tempore, in the absence of the vice president, or whenever he shall exercise the office of president; shall have the sole power to try impeachments, and when sitting as a court of impeachment, shall be under oath; but no conviction shall take place without the concurrence of two thirds of all the members present.

SEC. 12. Judgment in cases of impeachment shall only extend to removal from office, and disqualification to hold any office of honor, trust or profit under this government; but the party shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 13. Each house shall be the judge of the elections, qualifications and returns of its own members. Two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members.

SEC. 14. Each house may determine the rules of its own proceedings, punish its members for disorderly behavior, and with

the concurrence of two thirds, may expel a member, but not a second time for the same offence.

SEC. 15. Senators and representatives shall receive a compensation for their services, to be fixed by law, but no increase of compensation, or diminution, shall take effect during the session at which such increase or diminution shall have been made. They shall, except in case of treason, felony, or breach of the peace, be privileged from arrest during the session of congress, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 16. Each house may punish, by imprisonment, during the session, any person not a member, who shall be guilty of any disrespect to the house, by any disorderly conduct in their presence.

SEC. 17. Each house shall keep a journal of its proceedings, and publish the same, except such parts as in its judgment require secrecy. When any three members shall desire the yeas and nays on any question, they shall be entered on the journals.

SEC. 18. Neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which the two houses may be sitting.

SEC. 19. When vacancies happen in either house, the executive shall issue writs of election to fill such vacancies.

SEC. 20. No bill shall become a law until it shall have been read on three several days in each house, and passed by their same, unless, in cases of emergency, two thirds of the members of the house where the bill originated shall deem it expedient to dispense with the rule.

SEC. 21. After a bill shall have been rejected, no bill containing the same substance shall be passed into a law during the same session.

SEC. 22. The style of the laws of the republic shall be, "Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled."

SEC. 23. No person holding an office of profit under the government shall be eligible to a seat in either house of congress, nor shall any member of either house be eligible to any office which may be created, or the profits of which shall be increased during his term of service.

SEC. 24. No holder of public monies or collector thereof, shall be eligible to a seat in either house of congress, until he

shall have fully acquitted himself of all responsibility, and shall produce the proper officer's receipt thereof. Members of either house may protest against any act or resolution, and may have such protest entered on the journals of their respective houses.

SEC. 25. No money shall be drawn from the public treasury but in strict accordance with appropriations made by law; and no appropriations shall be made for private or local purposes, unless two thirds of each house concur in such appropriations.

SEC. 26. Every act of congress shall be approved and signed by the president before it becomes a law; but if the president will not approve and sign such act, he shall return it to the house in which it shall have originated, with his reasons for not approving the same, which shall be spread upon the journals of such house, and the bill shall then be reconsidered, and shall not become a law unless it shall then pass by a vote of two thirds of both houses. If any act shall be disapproved by the president, the vote on the reconsideration shall be recorded by ayes and noes. If the president shall fail to return a bill within five days (Sundays excepted) after it shall have been presented for his approval and signature, the same shall become a law, unless the congress prevent its return within the time above specified by adjournment.

SEC. 27. All bills, acts, orders, or resolutions, to which the concurrence of both houses may be necessary, (motions or resolutions for adjournment excepted,) shall be approved and signed by the president, or being disapproved, shall be passed by two thirds of both houses, in manner and form as specified in section twenty.

## ARTICLE II.

SEC. 1. Congress shall have power to levy and collect taxes and imposts, excise and tonage duties; to borrow money on the faith, credit, and property of the government, to pay the debts and to provide for the common defence and general welfare of the republic.

SEC. 2. To regulate commerce, to coin money, to regulate the value thereof and of foreign coin, to fix the standard of weights and measures, but nothing but gold and silver shall be made a lawful tender.

SEC. 3. To establish post offices and post roads, to grant charters of incorporation, patents and copy rights, and secure to the authors and inventors the exclusive use thereof for a limited time.

SEC. 4. To declare war, grant letters of marque and reprisal, and to regulate captures.

SEC. 5. To provide and maintain an army and navy, and to make all laws and regulations necessary for their government.

SEC. 6. To call out the militia to execute the law, to suppress insurrections, and repel invasion.

SEC. 7. To make all laws which shall be deemed necessary and proper to carry into effect the foregoing express grants of power, and all other powers vested in the government of the republic, or in any officer or department thereof.

### ARTICLE III.

SEC. 1. The executive authority of the government shall be vested in a chief magistrate, who shall be styled the president of the republic of Texas.

SEC. 2. The first president elected by the people shall hold his office for the term of two years, and shall be ineligible during the next succeeding term; and all subsequent presidents shall be elected for three years, and be alike ineligible; and in the event of a tie, the house of representatives shall determine between the two highest candidates by a *vive voce* vote.

SEC. 3. The returns of the elections for president and vice president shall be sealed up and transmitted to the speaker of the house of representatives, by the holders of elections of each county; and the speaker of the house of representatives shall open and publish the returns in presence of a majority of each house of congress.

### ARTICLE IV.

SEC. 1. The judicial powers of the government shall be vested in one supreme court, and such inferior courts as the congress may, from time to time, ordain and establish. The judges of the supreme and inferior courts shall hold their offices for four years, be eligible to re-election, and shall, at stated periods, receive for their services a compensation, not to be increased or diminished during the period for which they were elected.

SEC. 2. The republic of Texas shall be divided into convenient judicial districts, not less than three, nor more than eight. There shall be appointed for each district a judge, who shall reside in the same, and hold the courts at such times and places as congress may by law direct.

SEC. 3. In all admiralty and maritime cases, in all cases affecting ambassadors, public ministers or consuls, and in all capital cases, the district courts shall have exclusive original jurisdiction, and original jurisdiction in all civil cases when the matter in controversy amounts to one hundred dollars.

SEC. 4. The judges, by virtue of their offices, shall be conservators of the peace, throughout the republic. The style of all process shall be, "the republic of Texas;" and all prosecutions shall be carried on in the name and by the authority of the same, and conclude, "against the peace and dignity of the republic."

SEC. 5. There shall be a district attorney appointed for each district, whose duties, salaries, perquisites, and term of service shall be fixed by law.

SEC. 6. The clerks of the district courts shall be elected by the qualified voters for members of congress, in the counties where the courts are established, and shall hold their offices for four years, subject to removal by presentment of a grand jury, and conviction of a petit jury.

SEC. 7. The supreme court shall consist of a chief justice and associate judges; the district judges shall compose the associate judges, a majority of whom, with the chief justice, shall constitute a quorum.

SEC. 8. The supreme court shall have appellate jurisdiction only, which shall be conclusive, within the limits of the republic; and shall hold its sessions annually, at such times and places as may be fixed by law: Provided, that no judge shall sit in a case in the supreme court tried by him in the court below.

SEC. 9. The judges of the supreme and district courts shall be elected by joint ballot of both houses of congress.

SEC. 10. There shall be in each county a county court, and such justices' courts as the congress may, from time to time, establish.

SEC. 11. The republic shall be divided into convenient counties, but no new county shall be established, unless it be done on the petition of one hundred free male inhabitants of the territory sought to be laid off and established; and unless the said territory shall contain nine hundred square miles.

SEC. 12. There shall be appointed for each county, a convenient number of justices of the peace, one sheriff, one coroner, and a sufficient number of constables, who shall hold their offices for two years, to be elected by the qualified voters of the district or county, as congress may direct. Justices of the peace and sheriffs shall be commissioned by the president.

SEC. 13. The congress shall, as early as practicable, introduce, by statute, the common law of England, with such modifications as our circumstances, in their judgment, may require; and in all criminal cases, the common law shall be the rule of decision.

ARTICLE V.

SEC. 1. Ministers of the gospel being, by their profession, dedicated to God and the care of souls, ought not to be diverted from the great duties of their functions: therefore, no minister of the gospel or priest of any denomination whatever, shall be eligible to the office of the executive of the republic, nor to a seat in either branch of the congress of the same.

SEC. 2. Each member of the senate and house of representatives shall, before they proceed to business, take an oath to support the constitution, as follows;

"I, A. B., do solemnly swear [or affirm, as the case may be] that, as a member of this general congress, I will support the constitution of the republic, and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people."

SEC. 3. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering on the duties thereof, take an oath to support the constitution of the republic, and also an oath of office.

ARTICLE VI.

SEC. 1. No person shall be eligible to the office of president who shall not have attained the age of thirty-five years, shall be a citizen of the republic at the time of the adoption of this constitution, or an inhabitant of this republic at least three years immediately preceding his election.

SEC. 2. The president shall enter on the duties of his office on the second Monday in December next succeeding his election, and shall remain in office until his successor shall be duly qualified.

SEC. 3. The president shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during his continuance in office; and before entering upon the duties of his office, he shall take and subscribe the following oath or affirmation: "I, A. B., president of the republic of Texas, do solemnly and sincerely swear (or affirm, as the case may be) that I will faithfully execute the duties of my office, and to the best of my abilities preserve, protect, and defend the constitution of the Republic."

SEC. 4. He shall be commander-in-chief of the army and navy of the republic, and militia thereof, but he shall not command in person without the authority of a resolution of congress. He shall have power to remit fines and forfeitures, and to grant reprieves and pardons, except in cases of impeachment.

SEC. 5. He shall, with the advice and consent of two-thirds of the senate, make treaties; and with the consent of the senate, appoint ministers and consuls, and all officers whose offices are established by this constitution, not herein otherwise provided for.

SEC. 6. The president shall have power to fill all vacancies that may happen during the recess of the senate; but he shall report the same to the senate within ten days after the next congress shall convene; and should the senate reject the same, the president shall not re-nominate the same individual to the same office.

SEC. 7. He shall, from time to time, give congress information of the state of the republic, and recommend for their consideration such measures as he may deem necessary. He may, upon extraordinary occasions, convene both houses, or either of them. In the event of a disagreement as to the time of adjournment, he may adjourn them to such time as he may think proper. He shall receive all foreign ministers. He shall see that the laws be faithfully executed, and shall commission all the officers of the republic.

SEC. 8. There shall be a seal of the republic, which shall be kept by the president, and used by him officially; it shall be called the great seal of the republic of Texas.

SEC. 9. All grants and commissions shall be in the name, and by the authority of the republic of Texas, shall be sealed with the great seal, and signed by the president.

SEC. 10. The president shall have power, by and with the advice and consent of the senate; to appoint a secretary of state and such other heads of executive departments as may be established by law, who shall remain in office during the term of service of the president, unless sooner removed by the president, with the advice and consent of the senate.

SEC. 11. Every citizen of the republic who has attained the age of twenty-one years, and shall have resided six months within the district or county where the election is held, shall be entitled to vote for members of the general congress.

SEC. 12. All elections shall be by ballot, unless congress shall otherwise direct.

SEC. 13. All elections by joint vote of both houses of congress shall be viva voce, shall be entered on the journals, and a majority of the votes shall be necessary to a choice.

SEC. 14. A vice president shall be chosen at every election for president, in the same manner, continue in office for the

same time, and shall possess the same qualifications of the president. In voting for president and vice president, the electors shall distinguish for whom they vote as president, and for whom as vice president.

SEC. 15. In cases of impeachment, removal from office, death, resignation, or absence of the president from the republic, the vice president shall exercise the powers and discharge the duties of the president until a successor be duly qualified, or until the president, who may be absent or impeached, shall return or be acquitted.

SEC. 16. The president, vice president, and all civil officers of the republic, shall be removable from office by impeachment for, and on conviction of, treason, bribery, and other high crimes and misdemeanors.

#### SCHEDULE.

SEC. 1. That no inconvenience may arise from the adoption of this constitution, it is declared by this convention that all laws now in force in Texas, and not inconsistent with this constitution, shall remain in full force until declared void, repealed, altered, or expire by their own limitation.

SEC. 2. All fines, penalties, forfeitures and escheats, which have accrued to Coahuila and Texas, or Texas, shall accrue to this republic.

SEC. 3. Every male citizen, who is, by this constitution, a citizen, and shall be otherwise qualified, shall be entitled to hold any office or place of honor, trust, or profit under the republic, anything in this constitution to the contrary notwithstanding.

SEC. 4. The first president and vice president that shall be appointed after the adoption of this constitution, shall be chosen by this convention, and shall immediately enter on the duties of their offices, and shall hold said offices until their successors be elected and qualified, as prescribed in this constitution, and shall have the same qualifications, be invested with the same powers, and perform the same duties which are required and conferred on the executive head of the republic by this constitution.

SEC. 5. The president shall issue writs of election directed to the officers authorized to hold elections of the several counties, requiring them to cause an election to be held for president, vice president, representatives, and senators to congress, at the time and mode prescribed by this constitution, which election shall be conducted in the manner that elections have been heretofore conducted. The president, vice president, and members

of congress, when duly elected, shall continue to discharge the duties of their respective offices for the time and manner prescribed by this constitution, until their successors be duly qualified.

SEC. 6. Until the first enumeration shall be made, as directed by this constitution, the precinct of Austin shall be entitled to one representative; the precinct of Brazoria to two representatives; the precinct of Bexar two representatives; the precinct of Colorado one representative; Sabine one; Gonzales one; Goliad one; Harrisburg one; Jasper one; Jefferson one; Liberty one; Matagorda one; Mina two; Nacogdoches two; Red River three; Victoria one; San Augustine two; Shelby two; Refugio one; San Patricio one; Washington two; Milam one; and Jackson one representative.

SEC. 7. Until the first enumeration can be made, as described by this constitution, the senatorial districts shall be composed of the following precincts: Bexar shall be entitled to one senator; San Patricio, Refugio and Goliad one; Brazoria one; Mina and Gonzales one; Nacogdoches one; Red River one; Shelby and Sabine one; Washington one; Matagorda, Jackson and Victoria one; Austin and Colorado one; San Augustine one; Milam one; Jasper and Jefferson one; and Liberty and Harrisburg one senator.

SEC. 8. All judges, sheriffs, commissioners, and other civil officers shall remain in office, and in the discharge of the powers and duties of their respective offices, until there shall be others appointed or elected under the constitution.

#### GENERAL PROVISIONS.

SEC. 1. Laws shall be made to exclude from office, from the right of suffrage, and from serving on juries, those who shall hereafter be convicted of bribery, perjury, or other high crimes and misdemeanors.

SEC. 2. Returns of all elections for officers who are to be commissioned by the president, shall be made to the secretary of state of this republic.

SEC. 3. The presidents and heads of departments shall keep their offices at the seat of government, unless removed by the permission of congress, or unless in cases of emergency in time of war, the public interest may require their removal.

SEC. 4. The president shall make use of his private seal until a seal of the republic shall be provided.

SEC. 5. It shall be the duty of congress, as soon as cir-

cumstances will permit, to provide by law, a general system of education.

SEC. 6. All free white persons who shall emigrate to this republic, and who shall, after a residence of six months, make oath, before some competent authority that he intends to reside permanently in the same, and shall swear to support this constitution, and that he will bear true allegiance to the republic of Texas, shall be entitled to all the privileges of citizenship.

SEC. 7. So soon as convenience will permit, there shall be a penal code formed on principles of reformation, and not of vindictive justice; and the civil and criminal laws shall be revised, digested, and arranged under different heads; and all laws relating to land titles shall be translated, revised and promulgated.

SEC. 8. All persons who shall leave the country for the purpose of evading a participation in the present struggle, or shall refuse to participate in it, or shall give aid or assistance to the present enemy, shall forfeit all rights of citizenship, and such lands as they may hold in the republic.

SEC. 9. All persons of color who were slaves for life previous to their emigration to Texas, and who are now held in bondage, shall remain in the like state of servitude: provided, the said slave shall be the bona fide property of the person so holding said slave as aforesaid. Congress shall pass no laws to prohibit emigrants from bringing their slaves into the republic with them, and holding them by the same tenure by which such slaves were held in the United States; nor shall congress have power to emancipate slaves; nor shall any slave holder be allowed to emancipate his or her slave or slaves without the consent of congress, unless he or she shall send his or her slave or slaves without the limits of the republic. No free person of African descent, either in whole or in part, shall be permitted to reside permanently in the republic, without the consent of congress; and the importation or admission of Africans or negroes into this republic, excepting from the United States of America, is forever prohibited, and declared to be piracy.

SEC. 10. All persons (Africans, the descendants of Africans, and Indians excepted,) who were residing in Texas on the day of the declaration of independence, shall be considered citizens of the republic, and entitled to all the privileges of such. All citizens now living in Texas, who have not received their portion of land, in like manner as colonists, shall be entitled to their land in the following proportion and manner: Every head of a family shall be entitled to one league and labor of land; and

every single man of the age of seventeen and upwards, shall be entitled to the third part of one league of land. All citizens who may have previously to the adoption of this constitution, received their league of land as heads of families, and their quarter of a league of land as single persons, shall receive such additional quantity as will make the quantity of land received by them equal to one league and labor, and one third of a league, unless by bargain, sale, or exchange, they have transferred or may henceforth transfer their right to said land, or a portion thereof, to some other citizen of the republic: and in such case, the person to whom such right shall have been transferred shall be entitled to the same, as fully and amply as the person making the transfer might or could have been.—No alien shall hold land in Texas, except by titles emanating directly from the government of this republic. But if any citizen of this republic should die intestate or otherwise, his children or heirs shall inherit his estate, and aliens shall have a reasonable time to take possession of and dispose of the same, in a manner hereafter to be pointed out by law. Orphan children whose parents were entitled to land under the colonization laws of Mexico, and who now reside in the republic, shall be entitled to all the rights of which their parents were possessed at the time of their death. The citizens of the republic shall not be compelled to reside on the land, but shall have their lines plainly marked.

All orders of survey legally obtained by any citizen of the republic, from any legally authorized commissioner, prior to the act of the late consultation closing the land offices, shall be valid. In all cases the actual settler and occupant of the soil shall be entitled, in locating his land, to include his improvement, in preference to all other claims not acquired previous to his settlement, according to the law of the land and this constitution—provided, that nothing herein contained shall prejudice the rights of any other citizen from whom a settler may hold land by rent or lease.

And whereas, the protection of the public domain from unjust and fraudulent claims, and quieting the people in the enjoyment of their lands, is one of the great duties of this convention; and whereas the legislature of Coahuila and Texas having passed an act in the year 1834, in behalf of general John T. Mason of New York, and another on the 14th day of March, 1835, under which the enormous amount of eleven hundred leagues of land has been claimed by sundry individuals, some of whom reside in foreign countries, and are not citizens of the republic,—

which said acts are contrary to articles fourth, twelfth, and fifteenth of the laws of 1824 of the general congress of Mexico, and one of said acts, for that cause has, by said general congress of Mexico, been declared null and void: It is hereby declared that the said act of 1834, in favor of John T. Mason, and of the 14th of March, 1835, of the said legislature of Coahuila and Texas, and each and every grant founded thereon, is, and was from the beginning, null and void; and all surveys made under pretence of authority derived from said acts, are hereby declared to be null and void: and all eleven league claims, located within twenty leagues of the boundary line between Texas and the United States of America, which have been located contrary to the laws of Mexico, are hereby declared to be null and void. And whereas many surveys and titles to lands have been made whilst most of the people of Texas were absent from home, serving in the campaign against Bexar, it is hereby declared that all the surveys and locations of land made since the act of the late consultation closing the land offices, and all titles to land made since that time, are, and shall be null and void.

And whereas the present unsettled state of the country and the general welfare of the people demand that the operations of the land office, and the whole land system shall be suspended until persons serving in the army can have a fair and equal chance with those remaining at home, to select and locate their lands, it is hereby declared, that no survey or title which may hereafter be made shall be valid, unless such survey or title shall be authorized by this convention, or some future congress of the republic. And with a view to the simplification of the land system, and the protection of the people and the government from litigation and fraud, a general land office shall be established, where all the land titles of the republic shall be registered, and the whole territory of the republic shall be sectionized, in a manner hereafter to be prescribed by law, which shall enable the officers of the government or any citizen, to ascertain with certainty the lands that are vacant, and those lands which may be covered with valid titles.

SEC. 11. Any amendment or amendments to this constitution, may be proposed in the house of representatives or senate, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on the journals, with the yeas and nays thereon, and referred to the congress then next to be chosen, and shall be published for three months previous to the elec-

tion; and if the congress next chosen as aforesaid, shall pass said amendment or amendments by a vote of two-thirds of all the members elected to each house, then it shall be the duty of said congress to submit said proposed amendment or amendments to the people, in such manner and at such times as the congress shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of congress voting thereon, such amendment or amendments shall become a part of this constitution: Provided, however, that no amendment or amendments be referred to the people oftener than once in three years.

### DECLARATION OF RIGHTS.

This declaration of rights is declared to be a part of this constitution, and shall never be violated on any pretence whatever. And in order to guard against the transgression of the high powers which we have delegated, we declare that every thing in this bill of rights contained, and every other right not hereby delegated, is reserved to the people.

First. All men, when they form a social compact, have equal rights, and no men or set of men are entitled to exclusive public privileges or emoluments from the community.

Second. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and they have at all times an inalienable right to alter their government in such manner as they may think proper.

Third. No preference shall be given by law to any religious denomination or mode of worship over another, but every person shall be permitted to worship God according to the dictates of his own conscience.

Fourth. Every citizen shall be at liberty to speak, write, or publish his opinions on any subject, being responsible for the abuse of that privilege. No law shall ever be passed to curtail the liberty of speech or of the press; and in all prosecutions for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and fact, under the direction of the court.

Fifth. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable searches and seizures, and no warrant shall issue to search any place or seize any person or thing, without describing the place to be searched or

the person or thing to be seized, without probable cause, supported by oath or affirmation.

Sixth. In all criminal prosecutions the accused shall have the right of being heard, by himself, or council, or both; he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his favor. And in all prosecutions by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury; he shall not be compelled to give evidence against himself, or be deprived of life, liberty, or property, but by due course of law. And no freeman shall be holden to answer for any criminal charge, but on presentment or indictment by a grand jury, except in the land and naval forces, or in the militia when in actual service in time of war or public danger, or in cases of impeachment.

Seventh. No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

Eighth. No title of nobility, hereditary privileges or honors, shall ever be granted or conferred in this republic. No person holding any office of profit or trust shall, without the consent of congress, receive from any foreign state any present, office, or emolument of any kind.

Ninth. No person, for the same offence, shall be twice put in jeopardy of life or limbs. And the right of trial by jury shall remain inviolate.

Tenth. All persons shall be bailable by sufficient security, unless for capital crimes, when the proof is evident or presumption strong; and the privilege of the writ of "habeas corpus" shall not be suspended, except in case of rebellion or invasion the public safety may require it.

Eleventh. Excessive bail shall not be required, nor excessive fines imposed, or cruel or unusual punishment inflicted. All courts shall be open, and every man for any injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law.

Twelfth. No person shall be imprisoned for debt in consequence of inability to pay.

Thirteenth. No person's particular services shall be demanded, nor property taken or applied to public use, unless by the consent of himself or his representative, without just compensation being made therefor according to law.

Fourteenth. Every citizen shall have the right to bear arms in defence of himself and the republic. The military shall at all times and in all cases be subordinate to the civil power.

Fifteenth. The sure and certain defence of a free people is a well regulated militia; and it shall be the duty of the legislature to enact such laws as may be necessary for the organizing of the militia of this republic.

Sixteenth. Treason against this republic shall consist only in levying war against it, or adhering to its enemies, giving them aid and support. No retrospective or ex-post facto law, or laws impairing the obligation of contracts, shall be made.

Seventeenth. Perpetuities or monopolies are contrary to the genius of a free government, and shall not be allowed; nor shall the law of primogeniture or entailments ever be in force in this republic.

The foregoing constitution was unanimously adopted by the delegates of Texas, in convention assembled, at the town of Washington, on the seventeenth day of March, in the year of our Lord one thousand eight hundred and thirty-six, and of the Independence of the Republic, the first year.

In witness whereof, we have hereunto subscribed our names.

RICHARD ELLIS,

President and Delegate from Red River.

ALBERT H. S. KIMBLE, Secretary,

C. B. Stewart,  
James Collinsworth,  
Edwin Waller,  
A. Brigham,  
John S. D. Byrom,  
Francis Ruis,  
J. Antonio Navarro,  
William D. Lacy,  
William Menifee,  
John Fisher,  
Matthew Caldwell,  
William Motley,  
Lorenzo de Zavala,  
George W. Smyth,  
Stephen H. Everett,  
Elijah Stepp,  
Claiborne West,

John S. Roberts,  
Robert Hamilton,  
Collin McKinney,  
A. H. Latimore,  
James Power,  
Sam. Houston,  
Edward Conrad,  
Martin Palmer,  
James Gaines,  
William Clark, jun.,  
Sydney O. Pennington,  
Samuel P. Carson,  
Thomas J. Rusk,  
William C. Crawford,  
John Turner,  
Benjamin Briggs Goodrich,  
James G. Swisher,

William B. Leates,  
M. B. Menard,  
A. B. Hardin,  
John W. Bunton,  
Thomas J. Gazley,  
R. M. Coleman,  
Sterling G. Robertson,  
George C. Childress,  
Baily Hardiman,  
Robert Potter,  
Charles Taylor,

Georges W. Barnet,  
Jesse Grimes,  
E. O. Legrand,  
David Thomas,  
S. Rhoads Fisher,  
John W. Bower,  
J. B. Woods,  
Andrew Briscoe,  
Thomas Barnett,  
Jesse B. Badgett,  
Stephen W. Blount.

I do hereby certify that I have carefully compared the foregoing Constitution, and find it to be a true copy from the original filed in the archives of the Convention.

Given under my hand, this 17th day of March, 1836.

Attest,

H. S. KIMBLE,  
Secretary of the Convention.



**L A W S**  
**OF THE**  
**REPUBLIC OF TEXAS.**

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AN ACT

Authorizing the President of the Republic to appoint his cabinet officers.

Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized to appoint, by and with the advice and consent of the senate, in addition to the secretary of state, a secretary each of the treasury, war, and navy departments; also, an attorney general; which officers, when so appointed, shall constitute the president's cabinet.

SEC. 2. Be it further enacted, That the president be, and he is hereby authorized to fill any vacancies in said offices, which may occur during the recess of the senate, either by death or resignation.

IRA INGRAM,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved Oct. 25, 1836.

SAM. HOUSTON.

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JOINT RESOLUTION.

Recognizing the orders of General T. J. Rusk, relative to certain mail routes and carriers.

Resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the orders of General

T. J. Rusk, establishing certain mail routes, and employing carriers, be recognised; and that the paymaster be instructed to audit the accounts.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Nov. 3, 1836.

SAM. HOUSTON.

### JOINT RESOLUTION.

Confirming the Contract of Major General Memican Hunt.

Be it resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the contract entered into by the government ad interim with Memican Hunt, on the 11th of June last, be, and the same is hereby recognised and reconfirmed by the existing government of this republic; and that the president be authorized and instructed forthwith to inform said Hunt of the same.

IRA INGRAM,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Nov. 7, 1836.

SAM. HOUSTON.

### AN ACT

For the relief of Erastus Smith.

Whereas, it is both just and wise in a government to reward bravery, gallant daring, and exalted patriotism in her citizens; and whereas Erastus Smith, usually known and called "Deaf Smith," unites these qualities in an exalted degree, together with his heavy losses, constant services, and self sacrifices in the cause of Texas and liberty; therefore,

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That there shall be, and is hereby granted to Erastus Smith, his heirs or assigns forever, any house and lot in the city of Bexar, which may be con-

fiscated to the public use, under the provisions and by authority of any law or laws of this republic.

SEC. 2. And be it further enacted, That it shall be lawful for said Erastus Smith, his heirs or assigns, to avail himself of the benefit of this act at as early a period as he may desire, from and after said confiscated property shall be lawfully ascertained.

SEC. 3. And be it further enacted, That in further consideration of what is justly due to said Erastus Smith, his heirs or assigns for ever, he shall be, and is hereby granted one league and one labor of public land, to be by him, his heirs or assigns, selected of any of the public domain of Texas, so soon as the land offices are opened for entry and location: provided, that no public property, such as forts, court houses, calibooses, churches, public squares, &c. shall be granted to said Erastus Smith.

IRA INGRAM,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Nov. 11, 1836.

SAM. HOUSTON.

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### JOINT RESOLUTION.

For sending a Minister to the United States of America.

Whereas, the good people of Texas, in accordance with a proclamation of his Excellency David G. Burnet, president ad interim of the republic, did, on the first Monday of September last past, at an election held for president, vice president, senators, and representatives of congress, vote to be annexed to the United States of America, with an unanimity unparalleled in the annals of the elective franchise, only ninety-three of the whole population voting against it:

Be it therefore resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized and requested to despatch forthwith to the government of the United States of America, a minister, vested with ample and plenary powers to enter into negotiations and treaties with the United States government for the recognition of the independence of Texas, and for an immediate annexation to the United States; a measure

required by the almost unanimous voice of the people of Texas, and fully concurred in by the present congress.

IRA INGRAM,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Nov. 16, 1836.

SAM. HOUSTON.

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AN ACT

Providing for an increase of the Navy.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the present naval force of the Republic shall be, as soon as practicable, increased by the building or purchase of the following number and description of vessels, viz: One sloop of war, mounting twenty-four guns, and of such a draft of water as will enable her to enter the port of Galveston; also two armed steam vessels, drawing, when loaded, not exceeding six feet water, built upon the most approved plan, and capable of transporting seven hundred and fifty men and provisions each: and two schooners mounting eleven guns each, carrying two topsails, and not to draw over eight feet and a-half water.

SEC. 2. And be it further enacted, That the president shall forthwith, by and with the consent of the senate, appoint some proper person, or persons, whose duty it shall be to proceed immediately to the United States of America, and purchase or contract for and superintend the building of the above named number and description of vessels.

IRA INGRAM,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Nov. 18, 1836.

SAM. HOUSTON.

AN ACT

Providing rations, and other comforts, for soldiers, and widows of soldiers, at the town of Columbia.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the president of the republic of Texas shall be, and he is hereby authorised and empowered to appoint one quarter master, and such number of commissaries as he may deem requisite to discharge the duties herein prescribed.

SEC. 2. And be it further enacted, That the quarter master shall provide tents and rations for all soldiers that may be here at the town of Columbia, and detained on business with this government; it shall also be his duty to provide for the sick, and also for widows and their families.

SEC. 3. And be it further enacted, That the president be, and is hereby further authorised and empowered to order the quarter master to make use of any or all the public cattle, recently driven to this place for the purposes specified in the second section of this act.

SEC. 4. And be it further enacted, That it shall be the duty of the quarter master to make out a clear, concise, and full report of all disbursements and expenditures, the names of each and every individual, the length of time that they have been furnished, and the amount furnished to each one, at least once in every month.

SEC. 5. And be it further enacted, That the president of the Republic shall be, and is hereby fully authorised and empowered, to cause to be defrayed by this government, all expenses that may be incurred under the provisions of the foregoing act.

IRA INGRAM,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Nov. 18, 1836.

SAM. HOUSTON.

## AN ACT

To authorise the President to negotiate a loan on the bonds of the government not exceeding five millions of dollars.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the president of this republic be, and he is hereby fully authorised to issue bonds of this republic, for the sum of one thousand dollars each, not exceeding five millions of dollars; which bonds shall be signed by the president and secretary of state, and countersigned by the secretary of the treasury; shall be negotiable by simple endorsement, and shall bear an interest on the face thereof, at a rate not exceeding ten per cent. per annum, to be paid to the holders thereof at such times and place as may be stipulated in said bonds. Said bonds to be prepared as soon as practicable under the direction of the president, and made redeemable in thirty years from the day of date.

SEC. 2. Be it further enacted, That the president, by and with the advice and consent of the senate, shall appoint two commissioners into whose hands said bonds shall be delivered by the president, who shall immediately proceed to the United States of America, for the purpose of negotiating said bonds; but if said commissioners should not be able to negotiate the sale of said bonds in the United States of America, then, in that case, they are authorised and hereby required to proceed to Europe for the purpose of effecting said negotiations.

SEC. 3. Be it further enacted, That in case of the death or resignation of said commissioners, or either of them during the recess of congress, the president is hereby fully empowered to fill such vacancy, or vacancies, until the meeting of the next congress.

SEC. 4. Be it further enacted, That said commissioners are hereby required to correspond with the secretary of the treasury, of this republic, informing him of the progress of their negotiations; and that said commissioners be, and are hereby required to pay over to said secretary of the treasury all monies which they may receive from the sale of said bonds, or any portion thereof.

SEC. 5. Be it further enacted, That it shall be the duty of the secretary of the treasury to lay before each and every congress, early in every session, a full statement of all such sale or sales of said bonds, as may have been effected, showing the terms and conditions of said sale or sales, the expenses accruing

thereon, and what dispositions have been made of the proceeds of the same.

SEC. 6. Be it further enacted, That said commissioners are hereby authorised to negotiate two millions of dollars of said bonds redeemable in a less time than thirty, but not for a shorter period than five years.

SEC. 7. Be it further enacted, That if any bank or banks shall become the purchaser, or purchasers, of any portion of said bonds, then and in that case, said commissioners are hereby authorised to stipulate that the notes of said bank or banks shall be received at par, in payment of all public dues of this republic, to the amount of their loan or purchase of said bonds, so long as said bank or banks continue solvent and specie paying; and if any bank or banks become the purchaser or purchasers of any portion of said bonds, the said commissioners shall specify on the face of said bond or bonds, that they are redeemable and payable in the notes of said bank or banks.

SEC. 8. Be it further enacted, That if any bank or banks which may purchase said bond or bonds, or any portion of them shall fail, stop payment, or refuse to redeem its or their notes with specie, then and in that case the government of Texas shall have the privilege of terminating the loan with said bank at any time, by a payment of the principal and interest of the same.

SEC. 9. Be it further enacted, That said commissioners are hereby authorised to give to the purchasers of said bonds the privilege of at any time taking the amount of their loans or purchases in land, at the minimum government price; or if the public lands are sold at auction, that said lenders or purchasers shall be allowed to bid, and pay the amount of their bids with any of such bonds as they may have purchased.

SEC. 10. And be it further enacted, That for the punctual payment of the interest, and final redemption of said bonds, the public faith is hereby solemnly pledged; and also all the proceeds of the sales of the public domain; and also all the taxes on lands which may accrue to this government after the year 1838, are hereby reserved and appropriated for that special purpose.

IRA INGRAM,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Nov. 18, 1836.

SAM. HOUSTON.

## JOINT RESOLUTION.

Explaining the different acts in relation to the services of Volunteers, and extending the acts relating to bounty lands.

SEC. 1. Be it resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the pay of volunteers from the United States and elsewhere shall commence from the time of their embodying and leaving home, provided said time shall not exceed sixty days prior to their being mustered into service of the republic of Texas, at which time their term of service will commence.

SEC. 2. Be it further resolved, That the provisions of the ordinance granting the lands to volunteers from the United States and elsewhere, be so construed as to extend to all who have rendered service as volunteers in the army of the republic of Texas.

SEC. 3. And be it further resolved, That all volunteers who have entered the service of the republic of Texas since the first day of July last, shall be entitled to the same pay and bounties of land as those who entered the service prior to that time.

IRA INGRAM,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Vetoed by the president, and passed by a constitutional majority of the house of representatives, November 23, 1836.

IRA INGRAM,

Speaker of the house of representatives.

This act was vetoed by the president, and passed by a constitutional majority of the senate, November 24, 1836.

RICHARD ELLIS,

President pro tem. of the senate.

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 AN ACT

For establishing Rules and Articles for the government of the Armies of the Republic of Texas.

Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That from and after the passing of this act, the following shall be the rules and regulations by which the armies of said republic of Texas shall be governed.

ART. 1. Any officer or soldier, who shall use contemptuous or disrespectful language towards the president of the republic, against the vice president or congress thereof, if a commissioned officer, shall be cashiered or otherwise punished, as a court martial shall direct; if a non-commissioned officer, or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

ART. 2. Any officer or soldier, who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished, according to the nature of his offence, by the judgment of a court martial.

ART. 3. Any officer or soldier, who shall begin, cause, excite, or join in any meeting or sedition in any troop or company, in the service of the republic, or in any party, post, detachment, or guard, shall suffer death, or such punishment as by a court martial shall be inflicted.

ART. 4. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny, or sedition, and does not use his utmost endeavors to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

ART. 5. Any officer, or soldier, who shall strike his superior officer, or lift any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial.

ART. 6. Every non-commissioned officer, or soldier, who shall enlist himself in the regular service of this republic, shall, at the time of his enlisting, or within six days afterwards, have the articles for the government of the armies of the republic read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company in which he was enlisted, be taken before the next civil or chief magistrate of any city or town corporate, not being an officer of the army; or where recourse cannot be had to the civil magistrate, before the judge advocate; and in his presence shall take the following oath or affirmation: "I,  
do solemnly swear or affirm, (as the case may be,) that I will bear true allegiance to the republic of Texas,

and that I will serve her honestly and faithfully against all her enemies, or opposers whatsoever, and observe and obey the orders of the president of the republic, and the officers appointed over me, according to the rules and articles for the government of the armies of the republic." Which justice, magistrate, or judge advocate, is to give the officer a certificate, stating that the man enlisted did take the oath or affirmation.

ART. 7. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by the field officer of the regiment to which he belongs; or commanding officer, when no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer, or soldier, before his term of service shall have expired, but by order of the president, the secretary of war, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged but by order of the president of the republic, or by order of a general court martial.

ART. 8. Every colonel or officer commanding a regiment, troop, or company, and actually quartered with it, may give furloughs to non-commissioned officers and soldiers in such numbers, and for such a length of time, as he shall judge to be most consistent with the good of the service; and a captain or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the republic, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a term not exceeding twenty days in six months; but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

ART. 9. At every muster the commanding officer of each regiment, troop, or company, there present, shall give to the inspector general, or other officer, who musters said regiment, troop, or company, certificates, signed by himself, signifying how long such officers as shall not appear at said muster have been absent, and the reason of their absence. In like manner every commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers, and private soldiers, which reasons and time of absence shall be inserted in the muster rolls, opposite the respective names of the absent officers and soldiers. The certificates shall, together with the muster rolls, be transmitted by the inspec-

tor general, or other officer mustering, to the secretary of war, as speedily as the distance of the place will admit.

ART. 10. Every officer, who shall be convicted before a general court martial, of having signed a false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

ART. 11. Every officer who shall make, knowingly, a false muster roll of man or horse, and every officer or inspector general who shall willingly sign, direct, or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made by two witnesses, before a general court martial, be cashiered; and shall be thereby utterly disabled to have or hold any office or employment in the service of the republic.

ART. 12. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

ART. 13. Any officer who shall, knowingly, make a false return to the department of war, or to any of his superior officers, authorized to call for such returns of the state of the regiment, troop, company, or garrison, under his command, or of the arms, ammunition, and clothing or other stores thereunto belonging, shall, on conviction thereof before a court martial, be cashiered.

ART. 14. The commanding officer of every regiment, troop, or independent company, or garrison of the republic, shall, in the beginning of every month, remit, through the proper channels, to the department of war, an exact return of the regiment, troop, independent company, or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or design, omitted sending such returns, shall be punished according to the nature of the offence, by the sentence of a general court martial.

ART. 15. All officers and soldiers who have received pay, or have been duly enlisted in the service of the republic, and shall be convicted of having deserted the same, shall suffer death, or other punishment, as by sentence of a court martial shall be decreed.

ART. 16. Any non-commissioned officer, or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company, or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence,

at the discretion of a court martial. No non-commissioned officer, or soldier, shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of of being reputed a deserter, and suffering accordingly; and in case any officer shall, knowingly, receive or entertain such non-commissioned officer, or soldier, or who shall not, after his being discovered to be a deserter, confine him, and give notice thereof to the corps in which he has served, the said officer shall, by a court martial, be cashiered.

ART. 17. Any officer, or soldier, who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the republic, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

ART. 18. No officer or soldier shall use any reproachful language or gesture to another; if an officer, upon pain of being put under arrest; if a soldier, confined; and shall ask pardon of the party offended in the presence of the commanding officer.

ART. 19. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge if sent, upon pain, if a commissioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

ART. 20. If any commissioned or non-commissioned officer of a guard shall, knowingly or willingly, suffer any person whatever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters, and carriers of challenges, in order to fight a duel, shall be deemed as principals, and punished accordingly. And it shall be the duty of every officer commanding an army, regiment, post, or detachment, who is knowing to a challenge being given to, or accepted by any officer, non-commissioned officer, or soldier under his command, or has reason to believe the same to be the case, immediately to bring to trial such offenders.

ART. 21. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, though the person concerned shall belong to another regiment, troop, or company, and either to order officers into arrest, non-commissioned officers and soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whoever shall refuse to obey such officer, (though of inferior rank,) or

shall draw his sword upon him, shall be punished at the discretion of a general court martial.

ART. 22. Any officer, or soldier, who shall upbraid another for refusing a challenge, shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any imputation of dishonor or disgrace, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duties as good soldiers, who subject themselves to discipline.

ART. 23. All officers, commanding in the field, forts, barracks, or garrisons of the republic, are hereby required to see that all the persons permitted to settle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

ART. 24. No person commanding in any of the forts, garrisons, or barracks of the republic, shall exact exorbitant prices for houses, stalls let out to settlers, or connive at the like exactions in others, or by his own authority, or for his private advantage, lay any duty or imposition, or be interested in the sale of any victuals, liquors, or other necessaries of life brought into the forts, garrisons, and barracks, for the use of the soldiers, on the penalty of being discharged from the service.

ART. 25. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and to the utmost of his ability, redress all abuses or disorders, which may be committed by any officer or soldier under his command, if upon complaint made to him, of officers or soldiers beating, or otherwise ill treating any person; of disturbing fairs and markets, or of committing any kind of riot, to the disquiet of the citizens of this republic, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or persons injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished as a general court martial shall direct.

ART. 26. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the person or property of any citizen of the republic, such as is punishable by the known laws of the land, the commanding officer and officers of every regiment, troop, or company, to which the person or persons so accused shall belong, are hereby required, upon application duly made, by or in behalf of the party or parties so injured, to use their utmost endeavors to deliver over such accused person or

persons to the civil magistrate, and likewise to be aiding and assisting to the officers of justice, in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers, shall wilfully neglect or refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrates, or to be aiding and assisting to the officers of justice, in apprehending such person or persons, the officer or officers so offending, shall be cashiered.

ART. 27. If any officer shall think himself wronged by his colonel, or the commanding officer, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the division or brigade to which his regiment is attached, in order to obtain justice; who is hereby required to examine into the said complaint, and to take proper measures for redressing the wrongs complained of, and transmit as soon as possible to the department of war a true statement of said complaint, with the proceedings had thereon.

ART. 28. If any inferior officer or soldier shall think himself wronged by his captain or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial for doing justice to the complainant: from which regimental court martial either party may, if he thinks himself still aggrieved, appeal to a general court martial; but if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing shall be punished at the discretion of the said court martial.

ART. 29. Any commissioned officer, store keeper, or commissary, who shall be convicted, at a general court martial, of having sold, without proper order for that purpose, embezzled, misapplied, or wilfully or through neglect, suffer any of the provisions, arms, forage, clothing, or other military stores, belonging to the republic, to be spoiled or damaged, shall at his own expense make good the damages; and shall, moreover, forfeit all his pay and be dismissed from the service.

ART. 30. Any non-commissioned officer or soldier, who shall be convicted at a general court martial, of having sold, lost, or spoiled, through neglect, his horse, arms, clothes or accoutrements, shall undergo such weekly stoppages (not exceeding half of his pay,) as such court martial shall judge sufficient for repairing the loss or damage, and shall suffer confinement or such corporeal punishment as his crime shall deserve.

ART. 31. Any non-commissioned officer or soldier who

shall be convicted at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the republic, shall be punished at the discretion of such court.

ART. 32. Every officer who shall be convicted, before a court martial, of having embezzled or misapplied any money with which he may have been entrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

ART. 33. Every captain of a company is charged with the arms and accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled and damaged, not by unavoidable accidents, or on actual service.

ART. 34. No officer or soldier shall be out of his quarters, garrison, or camp, without leave from the superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial.

ART. 35. Every non-commissioned officer and soldier shall retire to his quarters or tent at the beating of retreat, in default of which he shall be punished according to the nature of his offence, by the sentence of a court martial.

ART. 36. No officer, non-commissioned officer, or soldier, shall fail in repairing to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness or some other evident necessity, or shall go from the said place of rendezvous without leave from his commanding officer, before he shall be regularly relieved or dismissed, on the penalty of being punished according to the nature of his offence, by the sentence of a court martial.

ART. 37. Any commissioned officer who shall be found drunk on his post, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial.

ART. 38. Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial.

ART. 39. No soldier belonging to any regiment, troop, or company, shall hire another to do his duty for him, or be excused from duty, but in case of sickness, disability, or leave of absence; and every soldier found guilty of hiring his duty, as also the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

ART. 40. And every non-commissioned officer conniving at such hiring of duty aforesaid shall be reduced; and every commissioned officer knowing and allowing such ill practices in the service, shall be punished by the sentence of a general court martial.

ART. 41. Any officer belonging to the service of the republic, who, by firing of arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 42. Any officer or soldier who shall, without urgent necessity, or without the leave of his superior officers, quit his guard, platoon, or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

ART. 43. No officer or soldier shall do violence to any person, who brings provisions or other necessaries to the camp, garrison, or quarters of the forces of the republic, employed in any part of the republic, upon pain of death or such other punishment as a court martial shall direct.

ART. 44. Any officer or soldier who shall misbehave himself before the enemy, runaway, or shamefully abandon any fort, post, or guard, which he or they may be commanded to defend, or speak words inducing others to do the same, or shall cast away his arms and ammunition, or who shall quit his post, or colors, to plunder and pillage; every such offender, being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 45. Any person belonging to the armies of the republic, who shall make known the watchword to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watchword different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

ART. 46. All officers and soldiers are to behave themselves orderly in quarters and upon the march; and whoever

shall commit any waste or spoil, either in walks of trees, parks, warrens, fish ponds, houses and gardens, enclosures, cornfields, &c., or shall maliciously destroy any property whatsoever, belonging to the public, unless by command of the commander-in-chief the armies of the said republic, shall (besides such penalties as they are subject to by law) be punished according to the nature and degree of the offence, by the judgment of a general or regimental court martial.

Whosoever employed in the armies of the republic in foreign parts, shall force a safeguard, shall suffer death.

ART. 47. Whosoever shall relieve the enemy with money, victuals, or ammunition, or who shall knowingly harbor or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 48. Whosoever shall be convicted of holding a correspondence with, or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

ART. 49. All public stores taken in the enemy's camp, towns, ports, or magazines, whether of artillery, ammunition, clothing, forage, or provisions, shall be secured for the service of the republic, for the neglect of which the commanding officer is to be answerable.

ART. 50. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or abandon it, the commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

ART. 51. All suttlers and retainers to the camp, and persons whatsoever, serving with the armies of the republic in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 52. Officers having commissions of a prior date to those of the regiment in which they serve, may take place in courts martial and on detachments, when composed of different corps according to the rank given them in their former commissions; but in the regiment, troop, or company, to which such officers belong, they shall do duty and take rank, both in courts martial, and on detachments, which will be composed only of their own corps, according to the commissions by which they are mustered in said company.

ART. 53. The functions of the engineers being generally

confined to the most elevated branch of military science, they are not to assume, nor are they subject to be ordered on any duty beyond the line of their profession, except by the special order of the president of the republic, but they are to receive every mark of respect to which their rank in the army may entitle them respectively, and are liable to be transferred at the pleasure of the president, from one corps to another, regard being had to rank.

ART. 54. General courts martial may consist of any number of commissioned officers, from five to thirteen, inclusive, but they shall not consist of less than thirteen, when that number can be convened without manifest injury to the service.

ART. 55. Any general officer commanding an army, or colonel commanding a separate department, may appoint general courts martial whenever necessary. But no sentence of a court martial shall be carried into execution until after the whole proceedings shall have been laid before the officers ordering the same, or the officer commanding the troops for the time being: neither shall any sentence of a general court martial in time of peace, extending to the loss of life, dismissal of a commissioned officer, or which in a time of peace or war, respecting a general officer, be carried into execution until after the whole proceedings shall have been transmitted to the secretary of war, to be laid before the president of the republic for his confirmation or disapproval; and orders in the case of all other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

ART. 56. Whenever a general officer commanding an army, or a colonel commanding a separate detachment, shall be the prosecutor or accuser of any officer in the army of the republic, under his command, the general court martial for the trial of such officer shall be appointed by the president of the republic.

ART. 57. The proceedings and sentence of said court shall be sent directly to the secretary of war, to be by him laid before the president for his confirmation or approval, or orders in the case.

ART. 58. Every officer commanding a regiment or corps may appoint courts martial, to consist of three commissioned officers for the trial and punishment of offences not capital, and decide upon their sentences. For the same purposes, all officers commanding any garrisons, forts, barracks, and other places,

when the troops consist of different corps, and in cases wherein there is but one corps, and the commanding officer, not authorized to order a regimental court martial, may assemble courts martial to consist of three commissioned officers, and decide upon their sentences.

ART. 59. No garrison or regimental court martial shall have power to try capital cases or commissioned officers, neither shall they inflict a fine exceeding one month's pay, nor imprison nor put to hard labor, any non-commissioned officer or soldier for a longer time than one month.

ART. 60. The judge advocate, or some other person deputed by him, or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the republic, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question, to any of the witnesses, or to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed to any trial, the following oath, which shall also be taken by all members of the garrison and regimental courts martial: "You do solemnly swear that you will well and truly try, and determine according to evidence, the matter now before you, between the republic of Texas and the prisoner to be tried, and that you will truly administer justice according to an act establishing rules and articles for the government of the armies of the republic of Texas, without favor, partiality, or affection; and if any doubts shall arise, not explained by said articles according to your conscience, the best of your understanding, and the custom of war in like cases: and you do further swear, that you will not divulge the sentence of the court martial, until it shall be published by the proper authority; neither will you discover or disclose the vote or the opinion of any particular members of this court martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law, so help you God."

And so soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words: "You do solemnly swear that you will not disclose or discover the vote or opinion of any member of the court martial, unless required to give evidence thereof as a witness by a court of justice, in the course of law, nor divulge the sentence of the court, to any but the proper

authority, until it shall be duly disclosed by the same; so help you God.”

ART. 61. When a prisoner, arraigned before a general court martial, shall, from obstinacy and deliberate design, stand mute, or answer foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had regularly pleaded not guilty.

ART. 62. When a member shall be challenged by a prisoner, he must state his cause of challenge of which the court shall, after due deliberation, determine the validity or relevancy, and decide accordingly; and no challenge to more than one member at a time, shall be received by the court.

ART. 63. All members of a court martial are to behave with decency and calmness, and in giving their votes shall begin with the youngest in commission.

ART. 64. All persons who give evidence before a court martial are to be examined on oath or affirmation, in the following form: “You swear or affirm (as the case may be,) the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth, so help me God.”

ART. 65. On the trials of cases, not capital, before courts martial, the deposition of witnesses, not in line or staff of the army, may be taken before some justice of the peace, and read in evidence, provided the prosecutor and person accused are present on taking the same, or are duly notified thereof.

ART. 66. No officer shall be tried by a general court martial, nor by officers of an inferior rank, if it can be avoided; nor shall any proceedings or trials be carried on, excepting between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officers appointed, the court martial required immediate example.

ART. 67. No person whatsoever shall use any name, any gestures, or sign in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, in the penalty of being punished at the discretion of said court martial.

ART. 68. No officer shall be tried but by a general court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished at the discretion of a court martial.

ART. 69. Whenever any officer shall be charged with a crime, he shall be confined to his barracks, quarters, or tent, and deprived of his sword, by the commanding officer; and any offi-

cer who shall leave his confinement before he shall be set at liberty by his commanding officer, or by a superior officer, shall be cashiered. Non-commissioned officers and privates charged with crimes, shall be confined and tried by a court martial, or released by a proper authority.

ART. 70. No officer or soldier who shall be put in arrest shall continue in confinement more than eight days, or such time as a court martial can be assembled.

ART. 71. No officer commanding any guard, or provost martial shall refuse to receive or keep any prisoners committed to his charge by any officer belonging to the forces of the republic, provided the officer at the same time deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

ART. 72. No officer commanding a guard, or provost martial shall presume to release any person committed to his charge without authority for so doing, nor shall he suffer any person to escape in the penalty of being punished for it by a court martial.

ART. 73. Every officer or provost martial, to whose charge prisoners shall be committed, shall, within twenty-four hours after such committment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer of their names, their crimes, and the names of the officers who committed them, on penalty of being punished for disobedience or neglect, at the discretion of a court martial.

ART. 74. Any commissioned officer convicted before a general court martial, of conduct unbecoming an officer and a gentlemen, shall be dismissed the service.

ART. 75. In cases when a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence.

ART. 76. In all cases, when a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name and place of abode, and punishment of the delinquent, be published in the newspapers, in and about the camp, or where he usually resides, after which it shall be deemed scandalous for an officer to associate with him.

ART. 77. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the

cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with the necessary witnesses, to be transported to the place where the court shall be assembled.

ART. 78. No person shall be sentenced to suffer death but by the concurrence of two-thirds of the members of a general court martial, nor except in cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender at the discretion of a court martial; and no officer, non-commissioned officer or soldier, or follower of the army, shall be tried a second time for the same offence.

ART. 79. No person shall be liable to be tried and punished by a general court martial for any offence that shall appear to have been committed more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

ART. 80. Every officer authorized to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer, which in the cases he has authority (by article 65) to carry them into execution, he may suspend, until the pleasure of the president of the republic of Texas can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the president for his determination; and the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

ART. 81. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the secretary of war; which said original proceedings and sentence, shall be carefully kept, and preserved in the office of said secretary, and that the persons entitled thereto, may be enabled, upon application to the said office, to obtain copies thereof.

ART. 82. The party tried by any general court martial, shall, upon demand thereof, made by himself, or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

ART. 83. In cases when the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation or imputation against any officer or soldier, the said court shall consist of one or more officers not exceeding three, and a judge advocate or other suitable person, as recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses for a court martial, and to examine them on oath; but they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

ART. 84. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismissal of an officer, provided that the circumstances are such that real testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the president of the republic, or demanded by the accused.

ART. 85. The judge advocate or recorder shall administer to the members the following oath: "You shall well and truly examine and enquire, according to your evidence, into the matter now before you, without favour, partiality, affection, prejudice, or hope of reward, so help you God."

ART. 86. After which the president shall administer to the judge advocate or recorder the following oath: "You do solemnly swear that you will, according to your best abilities, accurately and impartially record the proceedings and the evidence to be given in the case in hearing, so help you God." The witnesses shall take the same oath as witnesses sworn before a court martial.

ART. 87. When any commissioned officer shall die, or be killed in the service of the republic, the major of the regiment, or the officer doing the major's duty in his absence, or in post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the officer of the department of

war, to the end that his executors or administrators may receive the same.

ART. 88. When any non-commissioned officer or soldier shall die, or be killed in the service of the republic, the then commanding officer of the troops or company shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier; and in case any of the officers so authorized to take care of the effects of deceased officers and soldiers, should, before they have accounted to the representatives of the same, have occasion to leave the regiment or post, by preferment or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured and paid to their respective representatives.

ART. 89. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire in the corps of artillery, or engineers of the republic, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the republic.

ART. 90. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the republic, shall at all times and in all places, when joined or acting in conjunction with the regular forces of the republic, be governed by such rules and articles of war, and shall be subject to be tried by a court martial, in like manner with the officers and soldiers of the regular forces, save only that such courts martial shall be composed entirely of militia officers.

ART. 91. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

ART. 92. The president of the republic shall have power to prescribe the uniform of the army.

ART. 93. The foregoing are to be read and published once in every two months, to every garrison, regiment, troop, or

company, mustered or to be mustered into the service of the republic, and are to be duly observed and obeyed by all officers and soldiers, who are or shall be in said service.

ART. 94. And be it further enacted, That in time of war, all persons not being citizens of, or owing allegiance to the republic, who shall be found lurking as spies in or about the fortifications or encampments of the republic, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a court martial.

ART. 95. If any non-commissioned officer, musician, or private, shall desert the service of the republic, he shall, in addition to the penalties mentioned in the rules and articles of war, be liable to serve for and during such a period as shall, and may be tried by a court martial, and punished, although the terms of his enlistment may have elapsed previous to his being apprehended or tried.

ART. 96. Whenever a general court martial shall be ordered, the president of the republic may appoint some fit person to act as judge advocate; and in cases where the president shall not have made such appointment, the brigadier general, or the president of the court may make the same.

IRA INGRAM,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Nov. 21, 1836.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of J. M. Wolf.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the secretary of the treasury is hereby authorized to pay (out of any money in the treasury not otherwise appropriated) the sum of fourteen hundred and two dollars and sixty-two cents, to Mr. J. M. Wolf, or to his legal representatives.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Nov. 30, 1836.

SAM. HOUSTON.

## JOINT RESOLUTION,

Prescribing oaths of office.

Be it resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the following oaths of office, in addition to the oath prescribed by the constitution, be taken by the secretary of state, treasury, war, and navy, and chief clerks of the several departments, which several oaths shall be administered by the speaker of the house of representatives.

"I do solemnly swear (or affirm) that I will truly, honestly, and faithfully discharge the duties of \_\_\_\_\_, without favor or partiality, to the best of my skill and ability. So help me God."

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, November 30, 1836.

SAM. HOUSTON.

## JOINT RESOLUTION,

Authorizing the president to reorganize the army.

SEC. 1. Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the president of this republic be, and is hereby authorized to reorganize the army of Texas, in conformity with the regulations adopted by this government, and when such regulations are silent, in conformity with the military regulations of the United States of America.

SEC. 2. Be it further resolved, That all contingent military commissions heretofore granted to gentlemen, now in the United States, for the purpose of bringing men into our service, shall be confirmed in proportion to the respective number they may introduce by the tenth of January next, either for the term of two years or for during the war, to wit: for a second lieutenant twenty men, for a first lieutenant thirty men, for a captain fifty-six men, for a major two hundred and eighty men, for a lieutenant-colonel four hundred men, for a colonel five hundred and

sixty men, and for a brigadier general eleven hundred and twenty men.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Nov. 30, 1836.

SAM. HOUSTON.

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AN ACT,

To protect the Frontier.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby required to raise, with as little delay as possible, a battalion of mounted riflemen, to consist of two hundred and eighty men, for the protection of the frontier, to be officered in like maner as the balance of the army.

SEC. 2. Be it further enacted, That the term of service of said corps shall be for twelve months or upwards, and each man shall be bound to furnish himself with a suitable, serviceable horse, a good rifle, and one brace of pistols, if they can be procured: and no one shall be allowed to enter said corps without first submitting his horse, arms, and equipments, to the inspection of an officer specially appointed by the inspector general of the army, who shall certify that such man, horse, and equipments are fit for the service.

SEC. 3. Be it further enacted, That the pay, emoluments, and bounty of said corps shall be the same as that provided for other corps of the army, with this addition, that the sum of fifteen dollars per month be allowed for the furnishing of the horses and arms.

SEC. 4. Be it further enacted, That the president be, and he is hereby authorized to order out, for the protection of the frontier, such number of the militia as the exigencies of the case may require.

SEC. 5. Be it further enacted, That it shall be the duty of the president to cause to be erected such block houses, forts, and trading houses, as in his judgment may be necessary to prevent Indian depredations.

SEC. 6. Be it further enacted, That the president have full power, when in his opinion the exigencies of the country may

require it, to order said corps to any other point than the frontier, or to the main army.

SEC. 7. Be it further enacted, That it shall be the duty of the president to enter into such negotiations and treaties as in his opinion may secure peace to the frontiers; and that he have power to appoint agents to reside amongst the Indians, and that he be authorized to distribute amongst the different tribes such presents as he may deem necessary, not to exceed in amount twenty thousand dollars.

SEC. 8. Be it further enacted, That the said corps shall be under the same rules, regulations, and restrictions of the regular army of this republic; and should any officer or soldier be found guilty of a wilful neglect of duty or disobedience of the orders of his superiors, he shall be subject to the usual pains and penalties inflicted on officers and soldiers in the regular army for like offences.

SEC. 9. Be it further enacted, That should a larger force be necessary, the president shall be authorized to extend the number so as not to exceed one regiment, of five hundred and sixty men, rank and file.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 5, 1836.

SAM. HOUSTON.

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AN ACT,

To provide for the national defence by organizing the Militia.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That every free able bodied male citizen of this republic, resident therein, who is or shall be of the age of seventeen years, and under the age of fifty years, (except as hereinafter excepted,) shall severally and respectively be enrolled in the militia, by the captain or commanding officer of the company, within whose bounds such citizens shall reside, and that within twenty days after receiving this act, with his commission and instructions. And it shall hereafter be the duty of such captain or commanding officer of a company, to enrol every such citizen as aforesaid, and all those who shall from time to time arrive at the age of seventeen

years, or being of the age of seventeen years and under the age of fifty years, (except as before excepted,) shall come to reside within his bounds; and shall within ten days notify such citizen of said enrollment, by a proper non-commissioned officer of said company, by whom such notice may be proved. That every citizen so enrolled and notified, shall within ten days thereafter provide himself with a good musket, a sufficient bayonet and belt, six flints, knapsack and cartridge box, with twenty-four suitable ball cartridges; or with a good rifle, yauger, or shot gun, knapsack, shot pouch, powder horn, fifty balls suitable to the calibre of his gun, and half a pound of powder, and shall appear so armed, accoutred and provided, when called out to exercise, or in service; and that said arms, ammunition, and accoutrements, belonging to a citizen so enrolled, shall be exempt from all suits, seizures, or sales.

SEC. 2. Be it further enacted, That the vice president of this republic, the officers, judicial and executive; the members of both houses of congress, and their officers; all custom house officers, with their clerks; all post masters, and those employed in carrying the mail; all ferrymen employed at any ferry on the public road; all pilots; all mariners actually employed in the sea service; and all persons who are now or may be hereafter exempted by law, shall be and are hereby exempted from militia duty.

SEC. 3. Be it further enacted, That the enrolled militia shall be laid off in divisions, brigades, regiments, battalions, and companies. The divisions, brigades, and regiments shall be laid off by the president, and subject to such changes as he may from time to time deem expedient. Each division shall consist of two brigades, each brigade of two regiments, each regiment of two battalions, each battalion of five companies, each company of sixty-four men rank and file; and that said divisions, brigades, and regiments be numbered at the formation thereof, and a record made of such numbers in the adjutant general's office; and when in the field or in the service of the republic, each division, brigade, and regiment, shall respectively take rank according to their numbers, reckoning the first in number highest in rank.

SEC. 4. Be it further enacted, That the said militia shall be officered as follows: To each division, one major general, to be elected by the field officers of his own division; and two aids-de-camp, with rank of major, to be appointed by the said major general. To each brigade, one brigadier general, to be elected

by the commissioned officers of his brigade; with one brigade inspector, to serve also as brigade major, with the rank of major; one aid-de-camp, with the rank of captain, to be appointed by said brigadier general. To each regiment, one colonel, one lieutenant colonel, and one major, to be elected by the members of said regiment; and to each company, one captain, two lieutenants, four sergeants, four corporals, one drummer, and one fifer or bugler; that the captains and lieutenants of each company shall be elected by the members of their respective companies; and that the non-commissioned officers and musicians be appointed by the captains of their respective companies. That there shall be for each regiment, a regimental staff, to consist of one adjutant and one quarter master, to rank as lieutenants; one pay master, one surgeon and assistant surgeon, one serjeant major, one drum major, and one fife major, to be appointed by the colonel of the same.

SEC. 5. Be it further enacted, That it shall be the duty of each major general, upon good cause shown, to order a division court martial for the trial of general staff and field officers; and when the trial is complete, he shall approve or disapprove of the proceedings thereof. He shall receive copies of returns from the majors of brigades, of their annual reports made to the adjutant general; and shall receive from the adjutant general copies of requisitions of men, made by government upon his division. He shall, upon notice of invasion or insurrection, embody as many militia as he may think adequate to the emergency, notifying in the speediest manner to the president, whose directions and orders he shall obey. Whenever the major general may choose, he may attend at any muster or review whatsoever, and give any orders for disciplining the troops that he may deem expedient.

SEC. 6. Be it further enacted, That it shall be the duty of the brigadier general to appoint the time of regimental and battalion musters, for the year in which they are to fall; a written notice of which shall be delivered to the commanding officers of regiments, on or before the first day of March in every year. He shall give orders to summon brigade courts martial, and appoint the time and place for their sitting. He shall receive the proceedings of the said courts, and approve or disapprove of the sentence thereof. It is his especial duty to receive and sign the annual returns made by his brigade major; to visit each regiment in his brigade, at least once in a year, on their regimental muster days, and review them; and whenever he may be present

at any muster in his brigade, to order the training and exercise thereof, if the occasion, in his opinion, shall require it.

SEC. 7. Be it further enacted, That the commandants of regiments shall receive the written orders of his general of brigade, for the times of holding regimental and battalion musters for the whole year, and shall give a notice in writing thereof to the commandants of battalions, on or before the first day of March in the year in which they are to fall. It shall be his duty to attend the regimental and battalion musters and reviews; to exercise his regiment himself on all review days; to superintend and correct the exercise of the battalion musters, and the company musters when he may choose so to do. It shall be his duty, at least once in a year, to receive the returns of commandants of battalions, and after examining and comparing them with the returns of the preceding year, and noting any casualties that may have occurred, he shall sign them in his official capacity, and return them to the major of brigade. Upon his receiving notice of invasion and insurrection, it shall be his duty immediately to embody such force as he may deem competent for the emergency, and give the earliest information thereof to the general of division or brigade. And it shall be his duty to convene the members of his regiment, to elect proper persons to fill vacancies therein; and he may receive the resignation of any subordinate officer in his regiment, and shall appoint regimental courts martial for the trial of officers within their cognizance, of which the commandant of the regiment shall approve or disapprove.

SEC. 8. Be it further enacted, It shall be the duty of commandants of battalions to receive the written orders of the commandants of regiments, for the days on which the regimental and battalion musters shall be appointed for the year, and give a written notice thereof to the commandants of companies, within their respective battalions, on or before the last day of March in every year. They shall exercise their battalions on their respective days of muster, and when they may be present at a company muster, they may superintend their exercise if they think proper. They shall receive, examine, and sign officially, the returns from the commanding officers of companies, which they shall comprise in a return of their battalion, and noting any difference that may have occurred, return them to the adjutant of the regiment, in conformity to their orders. They shall strictly examine the arms, ammunition, and accoutrements of the corps of companies composing their battalions, at their several

musters, and shall see that their enrolments and classifications are correct and according to law.

SEC. 9. Be it further enacted, That the commanding officers of battalions shall give to those commanding companies, a written notice of the days on which the regimental and battalion musters shall fall during that year; to which the said commandants of companies shall add the days appointed for the muster of their companies for the same year; and he shall deliver within five days afterwards, to wit, by the fifth day of April in every year, a certificate of the musters so ordered, to the sergeant, whose duty it shall be to deliver it, or leave it at the abode of each corporal, musician, and private in the company to which he belongs, a like written notice, on or before the fifth day of April in each year. Each commandant of a company shall lay off his men into ten classes, for an equal routine of duty, and when called upon, he shall begin with the first. He shall be observant in enrolling all the men within his bounds, comprising all who may, from time to time, settle or inhabit therein, for the space of ten days. It shall be the duty of the commandant to exercise his company at each of the musters thereof, agreeably to the rules prescribed by congress; to inspect their arms, &c., and to make an annual return thereof, agreeably to the form he may receive, which shall be officially. In every case the commandants of companies shall receive and execute the orders of his superior officers, and conform himself to such military regulations as the service may require.

SEC. 10. Be it further enacted, That all lieutenants, and other subordinate officers of companies, shall be obedient to and execute the official orders of their commandant. They are, in particular, to assist in the exercise and organization of their companies, and report every defalcation or disobedience in the government and exercise thereof.

SEC. 11. Be it further enacted, That so much of this law as relates to regimental and battalion musters, shall not require the militia to attend musters without the counties in which they live; but where counties shall not compose a regiment, a battalion muster only shall be required; and where a county shall not compose a battalion, a company muster shall only be required; provided that these musters shall be in the stead of the regimental musters, and additional to the usual company musters.

SEC. 12. Be it further enacted, That it shall be the duty of the president, forthwith to appoint one captain and two lieuten-

ants for each county; and that it shall be the duty of the captain and lieutenants so appointed, within thirty days after their reception of their commissions, and a copy of this act, to enrol all the citizens subject to militia duty within their counties, and to report a list of their names to the adjutant general and the president, accompanied with such remarks and suggestions in regard to the proper boundaries of the different regiments, battalions, companies, &c., and such other remarks as they may think calculated to promote the objects of this act; and that said captains and lieutenants, while so engaged in enrolling the citizens of their respective counties, shall receive three dollars per diem; and in case of their refusal to accept their commissions, or perform the duties assigned them, they shall incur the penalty of a fine of one hundred dollars for each and every offence so committed.

SEC. 13. Be it further enacted, That an adjutant general shall be appointed, with the rank of colonel, as other field officers; his office shall be kept at the seat of government. Aids-de-camp shall be commissioned by the president; their duty shall be to carry and execute the orders of the major or brigadier general to whom they are attached. The brigade inspector shall be commissioned by the president. An adjutant and quartermaster shall be commissioned by the president; it shall be their duty to obey the orders of the commandants of regiments. The regimental surgeon and assistant surgeon, the paymaster, the sergeants, drum and fife majors are to conform to, and implicitly obey the orders they receive from commandants of regiments. Judge advocates shall be appointed to the several courts martial hereafter ordered by said court. It shall be the duty of the judge advocate to take and keep safely a true statement of all proceedings, whether pleas, evidence or defence made before a court martial, a fair copy of which he shall make out and deliver to the president, or officer ordering such court within twenty days after their adjournment, and to prosecute for the government.

SEC. 14. Be it further enacted, That courts martial shall be appointed for the trial of all offences arising from neglect of duty, disobedience of orders, or disorderly and ungentlemanly behavior. The president shall order general courts martial when he may think necessary, where a major general shall preside, and be composed of eight additional members, two of whom shall be brigadiers, and the other six field officers. The proceedings of this court shall be approved by the president.

from whose decision there can be no appeal. Division courts martial may be appointed at the discretion of the major general, where a brigadier shall preside, who, with six field officers, shall compose the court, whose proceedings shall be approved or disapproved, and whose sentence shall be affirmed or reversed by the major general who ordered such court, subject however (upon an appeal to the president,) to his final affirmance or reversal. Brigade courts martial may be appointed at the discretion of the brigadiers general, where a colonel shall preside, who, with six additional officers, to wit, two field officers and four captains at least, shall compose such court, whose proceedings shall be approved by the brigadier general ordering it; subject, however, (upon an appeal to the president,) to his final affirmance or reversal. Regimental courts martial shall be appointed by commandants of regiments, where a field officer shall preside, who, with six other regimental commissioned officers, two of whom at least shall be captains, shall compose a court for the trial of all officers below the grade of a field officer and the regimental staff, whose proceedings shall be approved or disapproved of by the commanding officer of the regiment; subject, however, to an appeal to the commandant of the brigade, for a final decision. In the general court martial, none shall be tried below the grade of a general officer or the general staff—in the division court martial, none shall be tried below the grade of a field officer—and in the brigade court martial, the field officers and brigade staff may be tried, or a captain, for good cause shown. Upon the convening of either of the courts herein directed, the president thereof shall administer to the judge advocate the following oath or affirmation: "I — do solemnly swear (or affirm as the case may be) that I will truly and faithfully execute the office of judge advocate to this court, so long as I remain in office, to the best of my abilities and the laws of this republic; and that I will not disclose, or discover the opinion of any particular member of this court martial I act with, unless required to give evidence in a court of justice;" which oath shall be deemed a competent qualification to such judge advocate while he continues to act; and the judge advocate shall proceed to qualify the members, by administering the following oath: "You and each of you, do swear (or affirm) that you will well and truly try and determine, according to evidence, agreeably to justice, the best of your understanding, and the laws governing the case, between the republic of Texas and the prisoner to be tried; and you will not disclose the opinions of this court martial, where secrecy

may be required, until made public by the proper officer; nor will you, at any time, disclose the vote or opinion of any particular member of this court martial, unless called upon by a court of justice to give evidence." Whereupon the court shall proceed to the business laid before them, and adjourn from day to day, until it is finished; of all of which a complete record shall be made, and signed by the president and judge advocate or recorder, and the court shall be dissolved. Upon the disclosure of the opinions or sentence of any court martial, any person may, according to this act, appeal therefrom, by filing a written notice with the officer to whom the appeal is made, within thirty days after the sentence is published; whose duty it shall be, to order up before him, the proceedings of such court for a final decision. Any officer, who shall have cause of complaint against his superior officer, shall file with the president, major general, brigadier general, or commandant of a regiment, the charges, certified in form, upon which an inquiry, or arrest, at discretion of such superior officer, may be awarded: provided, that from the commencement of an arrest, a court martial shall be ordered to meet within thirty days, of the time and place of which the officer arrested shall have at least twenty days notice. And provided also, that if, upon the meeting of such court, it shall appear that from the absence of witnesses, inability or sickness of the parties, or for any good cause shown, a fair and impartial trial could not then be had, they may adjourn the court to a future day, not exceeding six months. A court for assessment of fines, and receiving the returns of delinquents, shall be held on the last Monday of November in every year; a field officer of the regiment for which they are held shall preside; who, with four captains, four subalterns, the regimental judge advocate, and an orderly sergeant, may proceed to business; but every commissioned officer in the regiment shall be considered a member of the court ex-officio. This court is to examine all returns laid before them; to have the delinquents called, to show cause why judgment should not be awarded against them, and to deliver the opinions of the court, in every case, to the judge advocate, who is hereby directed to make a fair record thereof. This court shall also have the power of excusing from military duty, aged and disabled persons during their disability, and to hear evidence, and to determine the same. This court shall have power to adjourn from day to day, to compel the attendance of absent members, and when their business is completed, the president and judge advocate shall sign the record of their proceed-

ings, and the court for that year shall be dissolved: provided, that previous to their proceeding to do any business whatever, the members and judge advocate composing the said court, take the following oath or affirmation, to wit: "We, and each of us, do swear (or affirm) that we will truly and diligently enquire into and decide upon the several delinquencies reported to us, and decide according to law and the best of our skill and understanding, without favor or the hope of reward." It shall be the duty of any officer resigning or removing, to deliver the list of public arms and laws that may be in his possession, to the commandant of the regiment at the time of his resignation or removal, who shall deliver the same to the successor of such officer.

SEC. 15. Be it further enacted, That there shall be, in the months of October or November in every year, regimental musters, at such places as the commandants may direct, where every field, staff, and regimental commissioned and non-commissioned officer, every private and musician shall attend. There shall be a battalion muster in every battalion, at such places as the commandants may direct, in the months of May and October in each year; each lieutenant colonel shall be commandant of the first battalion of his regiment, and the major of the second: where every officer, non-commissioned officer, and private shall attend. There shall be at least two company musters in each year, which shall be appointed at the discretion, as to time and place, of the commandants of companies, between the last day of May and the last day of November, where the commissioned, non-commissioned officers, musicians and privates of each company shall attend, armed and equipped according to law. At the several musters herein directed to be held, the troops shall be exercised at least three hours in each day, and no person present shall be exempt therefrom, except from sickness, or some sufficient cause; the rolls shall be called at each muster or review; and the delinquents particularly noted by the captains of companies, both as to absence, arms, accoutrements, and as to a failure and refusal to perform the duty required when present. Once in every year, on such days as the commanding officers of regiments shall appoint, the whole of the commissioned officers, non-commissioned officers, staff, and music belonging to a regiment, shall meet at the place for holding the musters and review thereof, equipped and armed in such manner as the commandant may direct, to be drilled and exercised by him, or under his direction, which exercise and drilling shall continue for three days in succession; at this muster the roll shall be called by the command-

ant, and the delinquents noted and returned as in other musters. At all musters and reviews, and attendance on courts martial, no persons are to give impediments or disturbance. Every officer and private shall be free from arrest (except for breaches of the peace or felony) whilst going to or returning from any review, muster, or court martial; and any person or persons, other than those performing military duty, who will wilfully impede, or disturb any, corps or court in their exercise or other duty, shall be apprehended by the commanding officer, kept under guard for three days, and fined not less than five dollars, nor more than one hundred dollars; the said sum to be paid over to the regimental paymaster. Returns shall be made by all officers commanding companies, to those commanding battalions, one every year at least, in which shall be expressed the strength of each company, and the number and kind of every sort of arms and equipments therein; whose duty it shall be to countersign them digested into battalion returns, and deliver them to the officer commanding the regiment, who shall cause a like regimental return to be made out and signed by himself, delivered to the brigadier general: the brigadier general shall cause the brigade inspector to digest the whole regimental into one general brigade return; which shall be signed by the brigadier or officer commanding the brigade, and transmitted to the adjutant general, whose duty it shall be to have all such returns recorded in a book to be kept for that purpose. The general of brigade shall, without delay, have a copy of such return made out by the brigade inspector, and sent to the major general or officer commanding the division. The brigade inspectors, adjutants of regiments, and commanding officers of companies, shall keep books, in which all returns shall be duly recorded, and the casual occurrences noted. On or before the fifteenth day of July in each year, the adjutants of regiments shall receive from the commanding officers, the returns of delinquents for that year, who shall record, and deliver them to the regimental judge advocates at least five days before the sitting of the court for the assessment of fines, in order that he may lay them before that body for adjudication. After the sitting of every court of assessment, the judge advocate shall make out two fair copies of their proceedings, one of which he shall deliver to the regimental paymasters, and the other to the brigade general; both of whom shall cause the same to be recorded. The regimental paymaster shall, on or before the first day of February in each year, deliver to the high sheriff in each county, who shall, under the

penalty of fifty dollars, to be recovered by the paymaster in any court having competent jurisdiction thereof, receive and receipt for all lists and copies of judgments against all delinquents and defaulters, as adjudged by the said court of assessment, and take his receipt therefor; who shall thereupon apply for and receive the same, and levy therefor, as in other cases, if payment is withheld; for which the said sheriff shall receive the same fees and per centum as are allowed by law for the collection of the public revenue. On or before the first day of September in every year, the said sheriff shall settle with and pay over to the regimental paymaster, all sums collected by him as aforesaid, and return upon oath an account of all insolvents and delinquents; recovering his commission as aforesaid, taking the said paymaster's receipt therefor; an attested copy of which he shall, within thirty days thereafter, transmit to the general of brigade, and also have recorded in the court for the county in which he is sheriff; but in the case the said sheriff fail or refuse to pay and settle with the paymaster as aforesaid, the said paymaster may immediately proceed to recover the monies due from the said sheriff and his securities, in the same manner that monies are recovered by the counties against their public collector.—Any person aggrieved by any decision of any court of assessment, may make affidavit thereof, and lodge the same with the judge advocate before the first day of February in each year, who thereupon shall present the same at the succeeding annual term: whereupon such grievance shall be reheard and decided upon; and if the former judgment shall be affirmed, such applicant shall be charged with fifty per cent. thereon, all of which the judge advocate shall record. The regimental paymaster shall, before he acts as such, enter into bond with sufficient security, in the county court, to the president and his successors in office, in the sum of one thousand dollars, conditioned for the just fulfilment of all the duties herein required of him, which bond shall not be void on the first recovery, and he shall also take the following oath: "I do swear, that I will, as paymaster to \_\_\_\_\_ regiment of militia, truly and honestly perform the said duty, and render a just account to the best of my knowledge, when called upon by the law or the proper authority." And it shall be the duty of the field officers of every regiment, to call upon and settle with the paymaster annually; and they shall record a return of such settlement in the court of their county, signed by themselves, at the next court after the close of such settlements,

and the clerk shall perform such service ex-officio, and shall also sign a duplicate thereof, which shall be transmitted to the brigadier general commanding the brigade, who shall cause the same to be entered of record by the brigade inspector. The monies collected and funded with the regimental paymaster shall be subject to orders drawn by the commandant of the regiment, for regimental purposes, and to the orders of the major or brigadier general for any purpose immediately affecting the interest of the regiment or corps from whose paymaster the sum is drawn; all which orders shall be regularly filed and preserved by the paymaster, as vouchers in his annual settlement, for all and every duty herein specified. The said paymaster shall receive and be entitled to ten per cent. per annum, on all sums actually received and paid away. It shall be the duty of the adjutant general to call for any returns judged necessary by the president; and to furnish to each brigade forms thereof: and in like manner every commandant of division, brigade, or corps, are to be implicitly obeyed, when they may think it necessary to call for returns of their respective commands. Every division, brigade, and regiment shall be kept fully officered; and rosters in each shall be prepared by the proper officer, by which the detail of duty shall be regulated.

Sec. 16. And be it further enacted, That the president for the time being, when he deems it necessary, shall call forth into the service of this republic, such a number of militia as he shall deem expedient; a tour of duty shall be estimated at three months; and, when employed in the service of the republic, no militia shall be compelled to serve more than two tours without discharge. The militia, when in service, shall be governed by the articles of war, and the rules and regulations adopted for the army of the republic, and receive the same pay and rations as said army. Whenever a new regiment shall be ordered by the president, the field officers composing it shall meet and lay off the district into bounds for the companies; but at no time shall a company consist of less than thirty-two privates, and if at any time a company shall be reduced to a less number, it shall be incorporated with the adjoining companies, while such disabilities exist. Every officer commissioned (under this law) by president shall be implicitly obeyed as such, and shall continue to hold his commission for the space of two years from the date of his commission, unless he removes from the district in which his command operates. All courts martial, and of assessment, shall issue summons for witnesses, who shall attend; the process

may be served by any constable or sheriff, and if such witnesses shall not attend, without a good excuse, he shall be fined. The president or any field officer may subpoena witnesses previous to the sitting of the court, and it is hereby directed that the several courts possess competent powers to carry into execution the regulations granted or analagous to their institution. In all courts martial, any person to be tried may make objections to any member or members composing the said court (not exceeding three) peremptorily, and assign his reasons for objections to others; if they are such as to evince their propriety, another or other members shall be summoned; otherwise the court shall be deemed competent except the peremptory challenge. Parents and guardians shall be accountable for fines of their children, wares, &c., who are under twenty-one years of age: and it is hereby declared to every officer, non-commissioned officer, musician, and private, that the duties herein directed, are to be specifically and positively performed; and that each and every delinquent, upon a failure therein, may be charged with disobedience of orders, neglect of duty, or disorderly and ungentlemanly behavior.

That courts martial at the discretion of those directed, or whose duty it is to make inquiry, be ordered to sit on such charges; whose duty it shall be to cashier, dismiss from service, reprimand, or acquit those accused, and also to assess any fine herein imposed, either in addition to, or abstracted from any other punishment. The pay and reward, to the commissioned and staff officers, for duties arising under this act, shall be as follows:—

To the brigade inspector, for his services, to be certified by the brigadiers general, and paid by warrants on the treasury, four dollars per day. To every division judge advocate, to be paid by the paymaster of the regiments composing the division, by order of the major general, four dollars per day. To the brigade judge advocate, to be paid by the paymaster of the regiment composing the brigade, by order of the brigadier general, two dollars per day. To the regimental judge advocate, to be paid by the regimental paymaster, by order of the commandant, two dollars per day. To the orderly sergeants attending any of the above courts to be paid in the same manner as the judge advocates are, two dollars per day. To the adjutants of regiments, to be paid by the regimental paymaster, by orders drawn by the commandants of regiments, four dollars per day. To each drum and fife major, to be paid by the paymaster of the regiment, by order of the commandant, four dollars per day. To all expresses

despatched on military service, to be paid by warrants on the treasury, by certificate from a major general, brigadier general, or commandants of regiments, four dollars per day. The fines implicated under this act shall be, on every major general, who shall not perform the duty or duties required, shall pay a fine of two hundred and fifty dollars. For failing to perform a tour of duty when called on, one thousand dollars. Every brigadier general, for neglect of his duty, shall pay, for not appointing the musters in the manner herein directed, two hundred dollars; for failing to perform a tour of duty when called on, seven hundred and fifty dollars; for failing to make annual returns, one hundred dollars; for failing to review his brigade, for each regiment, fifty dollars. Every commandant of a regiment, for not appointing the mustering place of his regiment, fifty dollars; for failing to perform a tour of duty when called on, five hundred dollars; for not giving notice of musters, one hundred and fifty dollars; for not attending a regimental muster, fifty dollars; for not attending drill musters, per day, twenty-five dollars; for not attending courts martial, twenty-five dollars. Every commandant of battalion, for neglect of duty shall pay, for failing to perform a tour of duty when called on, four hundred dollars; for not giving notice of musters, one hundred dollars; for not attending and exercising their battalions on their days of muster, fifty dollars; for not making annual returns, twenty dollars; for not attending courts martial, or assessment, twenty dollars; for not attending drill musters, per day, fifteen dollars. Every commandant of a company shall pay, for failing to enrol the militia within his bounds, two hundred dollars; for failing to perform a tour of duty when called on, three hundred dollars; for not giving due notice of the musters, twenty-five dollars; for not classing his company for duty fifty dollars; for not attending and exercising his company at the several musters, for each failure, twenty-five dollars; for not making his annual returns, fifty dollars; for not making a return of delinquents, fifty dollars; for not attending court martial and assessment, twenty-five dollars. The adjutant general shall pay, for every neglect of duty enjoined by law, the sum of one hundred dollars. Aids de camp shall be fined for any neglect of their duty, for each offence, one hundred dollars. The regimental adjutant, quartermaster, surgeon, assistant surgeon, and paymaster, shall forfeit and pay, for every neglect of duty assigned by law, twenty-five dollars. Each sergeant, drum, and fife major shall pay, for not attending each muster, ten dollars. Each sergeant shall pay, for not attending each muster,

the sum of seven dollars and fifty cents; for not giving notice of musters and courts martial, twenty dollars. Every private who fails to appear at any muster shall, for each offence, pay five dollars. Any officer, who shall appear at any parade, and refuses to do the duty required of him, shall pay a fine of fifty dollars. Any non-commissioned officer, musician, or private, who attends any parade, and refuses to do the duty required of him, shall pay double the fine for non-attendance. Every non-commissioned officer or private, who attends the parade at any muster, and does not bring arms and accoutrements, shall be fined five dollars, unless it shall appear to the court of assessment that such private is unable to provide such arms. For failing to perform a tour of duty when called on, one hundred dollars.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 6, 1836.

SAM. HOUSTON.

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### JOINT RESOLUTION.

For the relief of William Bryan.

SEC. 1. Be it resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the secretary of the treasury, under the direction of the president, be, and he is hereby authorized to pay, out of the first available means which may be at the disposal of this government, all the debts and lawful demands against this government, now owned by William Bryan, Esq., of New Orleans, or for which the said Bryan is in any way liable, to any individual or individuals, for or on account of this government.

SEC. 2. Be it further resolved, That the president be, and he is hereby authorized to place in the hands of said William Bryan, Esq., and authorize him to sell a sufficient quantity of Land Scrip to pay all the demands named in the foregoing resolution, and that he instruct him to apply the proceeds of the sale of said scrip to that special purpose: provided, that said scrip shall not be sold at a less price than fifty cents per acre; and

that the said Bryan be required to file, in the office of the secretary of the treasury, proper vouchers for all said debts.

IRA INGRAM,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 6, 1836.

SAM. HOUSTON.

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AN ACT,

Compensating officers of the civil list.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the following shall be the compensation allowed to the officers of the civil list:—

President, with house furnished, ten thousand dollars.

Vice President, three thousand dollars.

Secretary of State, three thousand five hundred dollars.

Secretary of Treasury, three thousand five hundred dollars.

Secretary of War, three thousand five hundred dollars.

Secretary of Navy, three thousand five hundred dollars.

Attorney General, three thousand dollars.

Post Master General, two thousand dollars.

Commissioner General of the Land Office, three thousand dollars.

Chief Clerks of departments, one thousand five hundred dollars.

Treasurer, two thousand five hundred dollars.

Auditor, two thousand five hundred dollars.

Chief Justice, five thousand dollars.

Associate or District Judges, three thousand dollars.

Members of Congress, per diem, five dollars.

Speaker of the House of Representatives, per diem, seven dollars.

President pro tem. of the Senate, while acting as such, per diem, seven dollars.

Milage for members of congress, for every twenty-five miles going and coming, five dollars.

The members and officers of the Consultation that sat at San Felipe in October and November of the last year, shall re-

ceive the same compensation and milage as the members and officers of the present congress.

Chief Clerks of both houses, per diem, six dollars.

Foreign Ministers, four thousand five hundred dollars outfit; five thousand dollars salary per annum.

Consuls, perquisites.

Secretary of Legation, two thousand dollars.

Assistant Clerks, per diem, six dollars.

Reporter, per diem, eight dollars.

Sergeant-at-Arms, per diem, five dollars.

Translator for Congress, per diem, five dollars.

Door Keeper, per diem, five dollars.

SEC. 2. Be it further enacted, That the heads of departments be furnished with offices, stationery, fuel, lights, &c., at the expense of government.

SEC. 3. Be it further enacted, That no portion of the above salaries, or pay of members of congress, shall be allowed except in equal ratio with the payments made the officers and soldiers of the army and navy. Provided, however, that this section shall not extend to the reporters and clerks of either house of congress, or to the clerks of any of the departments of the government, or the translator and interpreter, the sergeant-at-arms, and the door keepers of either house of congress.

SEC. 4. And be it further enacted, That all secretaries of legation be excluded from the operation of the third section of this act.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 9, 1836.

SAM. HOUSTON.

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#### AN ACT,

Relinquishing one league and labor of Land to Michael B. Menard and others, on the east end of Galveston Island.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That all the right, title, and claim which the government of Texas has to one league and one labor of land, lying and situate on, and including the east end of Galveston Island, be, and the same is hereby re-

linquished in favor of Michael B. Menard, and such associates as he may hereafter include, and all the right, title, and interest which the government of Texas now has in, and to said land, is hereby vested in the said Michael B. Menard, and such associates as he may hereafter include: Provided, that nothing herein contained shall affect the vested rights of third persons.

SEC. 2. Be it further enacted, That the president shall issue to the said Michael B. Menard, and such associates as he may include, a quitclaim title to said land, in the name of the republic of Texas.

SEC. 3. Be it further enacted, That no quitclaim title shall be issued by the president, until the receipt of some authorized agent of Texas shall be deposited in the office of the secretary of the treasury, acknowledging the receipt, from the said Michael B. Menard, of fifty thousand dollars in cash, or approved acceptances in New Orleans.

SEC. 4. Be it further enacted, That should the said Menard not pay, or cause to be paid, to some authorized agent of Texas in New Orleans or Mobile, the sum of thirty thousand dollars in cash, or approved acceptances, by the first day of February next, in the city of New Orleans, then and in that case, this act shall be considered a dead letter, and no such right or title shall vest in the said Menard or his associates, except at the option of the government, which shall be manifested by the acceptance or rejection of said thirty thousand dollars, as aforesaid, after that time; and a special pledge is retained on the property for the faithful payment of the further sum of twenty thousand dollars, and which if not paid within two months after the first payment of thirty thousand dollars, the government shall have the right to pay back the thirty thousand dollars, and declare this act a dead letter.

SEC. 5. Be it further enacted, That the government of Texas reserves to itself, all that tract of land from the extreme east end of the Island of Galveston running west on the north side of the Island until it strikes a Bayou a short distance above the present fort, thence up said Bayou to its source, thence in a straight line across the Island to the Gulf, containing fifteen acres more or less; also one block of lots in a suitable part of the town for a Custom House and other public uses, to be selected by an agent to be appointed by the president for that purpose; to be selected on or before the first day of public sale of lots at that place.

SEC. 6. Be it further enacted, That if the said M. B. Me-

nard and his associates should fail to comply with the requisitions of this act, they shall forfeit and pay to the government of Texas ten thousand dollars, recoverable in any court having cognizance over the same.

SEC. 7. And be it further enacted, That David White of the city of Mobile be, and is hereby appointed a special agent to carry into effect the provisions contained in the fourth section of this act.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Dec. 9, 1836.

SAM. HOUSTON.

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#### AN ACT

Adopting a National Seal and Standard for the Republic of Texas.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That for the future the national seal of this republic shall consist of a single star, with the letters "Republic of Texas," circular on said seal, which said seal shall also be circular.

SEC. 2. Be it further enacted, That for the future there shall be a national flag, to be denominated the "National Standard of Texas," the conformation of which shall be an azure ground, with a large golden star central.

SEC. 5. Be it further enacted, That the national flag for the naval service for the Republic of Texas as adopted by the president at Harrisburg on the ninth day of April, eighteen hundred and thirty-six, the conformation of which is union blue, star central, thirteen stripes prolonged, alternate red and white, be, and the same is hereby ratified and confirmed, and adopted as the future national flag for the naval service for the Republic of Texas.

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

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Dec. 10, 1836.

SAM. HOUSTON.

AN ACT

Establishing an Agency in the city of Mobile.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That from and after the passage of this act, that there shall be, and is hereby established, an agency in the city of Mobile, in the state of Alabama, United States of America.

SEC. 2. Be it further enacted, That David White, of the city of Mobile, is hereby made the agent of the government of Texas. The said agent be and is hereby fully authorized to dispose of land scrip, at not less than fifty cents per acre; the proceeds of which shall be applied exclusively to the benefit of this government.

SEC. 3. Be it further enacted, That the president of this republic be, and is hereby required to deliver over to the said agent, scrip to the amount of one hundred thousand dollars, in due form; and the said agent shall be responsible to this government for the nett proceeds of the sale of all scrip which he may receive; and it shall be his duty to report monthly to the president of this republic, all his transactions in any manner touching his agency.

SEC. 4. Be it further enacted, That the said agent shall receive, as a compensation for his services, five per cent. on all monies received, and disbursements two and one half per cent.

SEC. 5. And be it further enacted, That if, in the opinion of the president of this republic, our commissioners should succeed in making a negotiation, or negotiations to a sufficient amount of money to defray the expenditures of this government, then, and in that case, the president of this republic is authorized and required forthwith to stop the sale of said scrip by said agent.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 10, 1836.

SAM. HOUSTON.

## AN ACT

Defining the pay of Mounted Riflemen, now and hereafter in the ranging service on the Frontier.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That each and every mounted rifleman, who has entered the ranging service, and not otherwise provided for, be, and is hereby entitled to twenty-five dollars per month as pay, and the same bounty of land as other volunteers in the field.

SEC. 2. Be it further enacted, That the pay of officers in the above service shall be as follows: a captain shall be entitled to receive seventy-five dollars per month, a first lieutenant shall receive sixty dollars per month, a second lieutenant, fifty dollars per month, and the orderly sergeant, forty dollars per month; the said officers shall also be entitled to the same bounties of land as officers of the same grade and rank in the volunteer army.

SEC. 3. And be it further enacted, That all officers and soldiers, who have been actually engaged in the ranging service since July 1835, shall be included in this act, and shall receive pay for the time he is in service.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 10, 1836.

SAM. HOUSTON.

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 JOINT RESOLUTION

For the relief of certain Persons.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be authorized and required to take such measures as in his judgment will effect the release or redemption of our unfortunate prisoners, captured by and in the possession of hostile Indians, said to be on the waters of Red River, either by calling for and send-

ing volunteers against said Indians, or by purchase, treaty, or otherwise.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Dec. 10, 1836.

SAM HOUSTON.

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JOINT RESOLUTION.

For the relief of Messrs. M'Kinney and Williams.

SEC. 1. Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized and required to appoint a commissioner for the purpose contemplated in the 10th article of the charter of the Bank of Agriculture and Commerce, granted to Samuel M. Williams, by the legislature of the state of Coahuila and Texas, in April, 1835, in order that the parties may exercise and enjoy their privileges under said act.

SEC. 2. Be it further resolved, That the secretary of the treasury be, and he is hereby authorized and empowered to negotiate a loan from any bank or banks that may be established in this republic, of sufficient amount for the payment of all just claims held by Messrs. M'Kinney and Williams against this government; and that should the secretary succeed in negotiating said loan, then he shall give notice to Messrs. M'Kinney and Williams, to produce their accounts properly authenticated for settlement; and if, on inspection, said accounts be properly authenticated, then the secretary of the treasury shall forthwith proceed to discharge said account: provided, that if the secretary of the treasury should effect such loan, that he stipulate in the face of the bond or bonds which he may execute to said bank, on this government, that the notes of said bank shall be recoverable in discharge of said bond or bonds.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Dec. 10, 1836.

SAM HOUSTON.

## JOINT RESOLUTIONS

Authorizing the President to negotiate a Loan for twenty thousand dollars.

SEC. 1. Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized and empowered to borrow twenty thousand dollars, for the purpose of purchasing ammunition and munitions of war; and that he be authorized to stipulate for such an amount of interest, payable at such time, as he may be best able to contract for; and that the principal shall be redeemed at such time as may be agreed on.

SEC. 2. Be it further resolved, That the president is hereby authorized to sell sufficient land scrip to raise the said sum of twenty thousand dollars, provided, that in procuring said twenty thousand dollars, no lands shall be sold for less than fifty cents per acre.

SEC. 3. And be it further resolved, That all islands belonging to this republic shall be, and are hereby reserved for the government use, except the president be authorized specially by congress to sell them.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 10, 1836.

SAM HOUSTON.

## JOINT RESOLUTIONS,

Authorizing the President to issue Scrip to the amount of five hundred thousand Acres of Land.

SEC. 1. Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized and required to sign land scrip to the amount of five hundred thousand acres, and transmit the same to Thomas Toby of New Orleans, for the purpose of being sold: provided, that said scrip shall not be sold for a less sum than fifty cents an acre: and further provided, that should the bonds of this government, to the amount of five hundred thousand dollars, be previously sold, then, and in that case it shall

be the duty of the president to recall said scrip, and forbid the further selling of the same.

SEC. 2. And be it further resolved, That the said Toby, with the proceeds arising from the sale of said scrip be, and is hereby authorized and required to fulfil all legal obligations into which he may have entered as agent of this government, on the faith of the authority given him by the president "ad interim," for the selling of land scrip; and that he be authorized and required to pay all legal debts contracted on the faith of the same.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 10, 1836.

SAM. HOUSTON.

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JOINT RESOLUTION,

Defining the duties of the heads of departments of the government.

Be it resolved by the senate and house of representatives of the republic of Texas in congress assembled, That it shall be, and is hereby made the duty of the heads of departments, composing the president's cabinet, to wit: the secretaries of state, of war, of the navy, of the treasury, and of the attorney general of the republic, to reside permanently at the seat of government of the same, unless absent on leave of the president, and in conformity with the constitution and the laws; to conform to and execute the instructions of the president, whether general or particular; and to give respectively and collectively, such needful aid and counsel whenever required so to do by the chief magistrate of the republic, as may be requisite to a firm, wholesome and harmonious administration of the government.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 13, 1836.

SAM. HOUSTON.

## AN ACT,

For the relief of Mrs. Mary Millsaps.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That any of the quartermasters or commissaries to whom Mrs. Mary Millsaps may apply, shall be, and are hereby authorized to furnish said Mary Millsaps and family with all the provisions and clothing necessary to their comfort; and if the quartermasters or commissaries to whom said Mary Millsaps shall apply, have not such necessaries in possession, he or they shall be, and is hereby authorized to purchase them on the account of the government, and render an account of the same to the secretary of the treasury.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 13, 1836.

SAM. HOUSTON.

## AN ACT,

Locating temporarily the seat of government.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That from and after the first day of April next, the seat of government for the republic of Texas shall be established at the town of Houston, on Buffalo Bayou, until the end of the session of congress which shall assemble in the year one thousand eight hundred and forty.

SEC. 2. Be it further enacted, That the president be, and is hereby authorized to cause to be erected a building suitable for the temporary accommodation of the congress of the republic, and such other buildings as may be necessary for the accommodation of the different departments of the government, at the said seat of government: provided, the sum or sums so expended shall not exceed fifteen thousand dollars.

SEC. 3. And be it further enacted, That the seat of govern-

ment as aforesaid, shall be located during the present session of congress, by joint vote of both houses.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President of the senate pro tem.

Approved, Dec. 15, 1836.

SAM. HOUSTON.

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AN ACT,

To establish and organize the Supreme Court, and to define the powers and jurisdiction thereof.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That there shall be established in this republic a court, to be styled the Supreme Court of the Republic of Texas, which court shall consist of one supreme judge, to be styled the Chief Justice; to be elected by joint vote of both houses of congress, and such judges as shall be elected judges of the districts courts, who shall continue in office during the time prescribed by the constitution. The chief justice shall receive a salary of five thousand dollars per annum, payable semi-annually at the treasury of the republic.

SEC. 2. The supreme court shall be held annually at the seat of government, on the first Monday in December, and a majority of all the judges shall be necessary to constitute such court.

SEC. 3. The said supreme court shall have jurisdiction over, and shall hear and determine all manner of pleas, complaints, motions, causes, and controversies, civil and criminal, which may be brought before it from any court in this republic, either by appeal or other legal process, and which shall be cognizable in said supreme court according to the constitution and laws of this republic: provided, that no appeal shall be granted, nor shall any cause be removed into the supreme court in any manner whatever until after final judgment or decree in the court below, except in cases particularly provided for by law.

SEC. 4. When by appeal, or in any other manner permitted by law, the judgment, sentence or decree of the court below shall be reversed, the supreme court shall proceed to render such judgment, or pronounce such sentence or decree as the court below should have rendered or pronounced, except it be necessary,

in consequence of the decision of the supreme court, that some matter of fact be ascertained, or damages be assessed by a jury, or when the matter to be decreed is uncertain, in either of which cases the suit, action, or prosecution, as the case may be, shall be remanded to the court from which it was brought for a more definite decision.

SEC. 5. When a final judgment or decree shall be rendered or pronounced in any case brought before the supreme court by appeal or otherwise, it shall be the duty of the clerk of said court to certify the final judgment or decree to the clerk of the court from which such cause was brought, within twenty days after the adjournment of the supreme court at which such final judgment or decree was rendered or pronounced, together with a bill of all costs which shall have accrued, and damages, if any assessed in the said supreme court, and it shall be the duty of every clerk of the court from which such cause was removed, on receiving such certificate, to issue executions on such final judgment for the purpose of having it carried into effect, in the same manner as though it had been rendered in the court below.

SEC. 6. The sentence of the supreme court in all criminal prosecutions brought before such court from any other courts, shall be executed in like manner in all respects as if such sentence had been rendered in the court wherein the prosecution originated, and the sheriff of the proper county shall be charged with the execution of such sentence.

SEC. 7. In all cases taken to the supreme court, in case the copy of the record in the cause below shall not be filed with the clerk of the supreme court, on or before the first day of the term to which such case was taken or returnable, it shall be lawful for the court, on motion of the defendant in appeal, and on producing a copy of the citation duly served on the defendant to dismiss the cause, but the same may be reinstated at any time during the term, if good cause be shown to the satisfaction of the court why a copy of the record was not filed in due time.

SEC. 8. The said court, or any judge thereof, in vacation, may grant writs of injunction, supersedeas, and such other writs as the laws permit to the judgements or decrees of the county or district courts, on such terms and conditions as the laws may prescribe in cases of appeals, and also to grant writs of habeas corpus, and all other remedial writs and process granted by said judges, by virtue of their office, agreeably to the principles and usages of law, returnable as the law directs, either to the supreme

court or before any judge of said court, as the nature of the case may require.

SEC. 9. In all cases of appeal to the supreme court, the trial shall be on the facts as found by the jury in the court below; and if the facts should not be stated in a manner sufficiently full and clear to enable the supreme court to give its judgment, then and in that case the said court shall remand the said cause to the proper court for a new trial, in order that the facts may be fully and clearly established, and this act shall be construed to extend to appeals taken to the superior courts of Texas, as established by the law of eighteen hundred and thirty-four, which cases remain yet undecided.

SEC. 10. For the said supreme court, one clerk shall be appointed in the following manner: in term time the appointment shall be made by an order entered of record in the proceedings of the court, and the person so appointed, before he enters on the duties of his office, shall take the oath prescribed in the constitution in open court, and shall enter into bond with two securities, to be approved by the court, payable to the president of the republic and his successors in office, in the penalty of twenty thousand dollars, conditioned for the faithful performance of the duties of his office; and that he seasonably record the judgments, decrees, decisions, and orders of the said court, and deliver over to his successor in office all records, minutes, books, papers, and whatever belongs to his said office of clerk, which bond shall be recorded in the clerk's office of said court, and immediately thereafter be deposited in the office of the secretary of state, and shall be void on the first recovery, but may be put in suit and prosecuted by the party injured, until the amount thereof be recovered; in vacation the appointment shall be made by the chief justice, and the person so appointed shall give bond and security, and take the oath as above prescribed which bond shall be recorded and deposited in the same manner as though the appointment had been made in term time, and may be prosecuted and put in suit in like manner: an authenticated copy, of said bond shall be received in evidence in any court in this republic in the same manner as the original would be if it were present in court.

SEC. 11. The said clerk shall hold his office for the term of four years from his appointment, but may be removed therefrom for neglect of duty or misdemeanor in office, by the supreme court, on motion of which, the clerk against whom complaint is made, shall have ten days previous notice, specifying the parti-

cular negligence or misdemeanor in office with which he stands charged, and in every such case the said court shall determine both the law and the fact; and whenever the necessity occurs, the supreme court may appoint a clerk pro tempore.

SEC. 12. The successor in office of any clerk shall receive into his possession, all papers, books, stationary, and every thing belonging to the said office; and should the person or persons, having possession of the same, refuse to give them up on demand made, it shall be the duty of the clerk to give information thereof to the attorney general, who shall prosecute such person or persons, in the name of the republic, before any court having jurisdiction of the same, and on conviction, the person so offending shall be fined in the sum of ten thousand dollars, for the use of the republic.

SEC. 13. If any clerk of the supreme court shall knowingly make any false entry or change any record in his keeping belonging to his office, every such clerk, so offending, shall, on conviction thereof, be fined and imprisoned at the discretion of the court, and shall also be liable to the action of the party aggrieved.

SEC. 14. The clerk of the said court shall carefully preserve the transcripts or records certified to his court, and all papers relative thereto, docketing all causes brought by appeal or otherwise, in the order he shall receive them, that they may be heard in the same course, unless the court, for good cause shown, direct any to be heard out of its term; and shall faithfully record the decision and proceedings of said court, and certify the same to the proper courts, and all causes shall be tried by the said supreme court at the return term, unless satisfactory cause can be shown for a continuance.

SEC. 15. The clerk of the district court shall receive and pay to the clerk of the supreme court, all costs that may have accrued in the supreme court in any cause or controversy which may have been brought into the supreme court from such district court, wherein a final judgment or decree shall be rendered, and any clerk failing to pay such costs on demand, after he shall have received the same, may be proceeded against by motion in the supreme court in the same manner that sheriffs may be proceeded against for money received on executions.

SEC. 16. A certified copy of the bond required by law to be given by the appellant or plaintiff in the appeal, shall be transmitted by the clerk of the court below, with a transcript of the record of the cause in which such appeal was taken, or which

may be taken in any other way to the supreme court; and in case the judgment or decree of the court below shall be affirmed, or the appellant shall fail to prosecute the same to effect, the supreme court shall enter up judgment or decree against all the obligors in such bond, both principal and security for the debt, damages, and costs which may be adjudged to the appellee; and it shall be the duty of the court below, on the certificate of the clerk of the supreme court, to issue executions thereon accordingly.

SEC. 17. In all cases decided by the supreme court, the judgment or decree of the court shall be pronounced publicly, with the reasons of the court for the same.

SEC. 18. All writs and processes issuing from the supreme court shall bear test of the clerk of such court, and shall be under the seal of said court and signed by the clerks thereof, and may be directed to the sheriff or other proper officer of any county in the republic, and shall be by him executed according to the commands thereof, and returned to the court from which they emanated; and whenever such writ or process shall not be executed, the clerk of said court is hereby authorized and required to issue another like writ or process upon the application of the party suing out the former writ or process; and when any person, plaintiff or defendant, in any suit depending in the said court, shall be dead, it shall be lawful for the clerk of the said court, during the recess of the court, upon application, to issue proper process, to enable the court to proceed to a final judgment or decree in the names of the representatives of such deceased person.

SEC. 19. The said court may adjourn from day to day, or for such longer period as they may think necessary to the ends of justice and the determination of the business before them; and there shall be no discontinuance of any suit, process, matter, or thing returned to or depending in the supreme court, although a sufficient number of judges shall not attend at the commencement, or any other day of the term; but if a sufficient number shall fail to attend at the commencement of any term, or at any time during the term, any judge of the said court, or the sheriff attending the same, may adjourn the said court from day to day for six days successively; at which time, if a majority of the judges do not attend, it shall be the duty of the judge or sheriff to adjourn the court to term in course.

SEC. 20. No judge of the supreme court shall sit in any cause wherein he is directly or indirectly interested, or if he

shall have been of counsel for either party in such cause; but although one or more of the judges of the supreme court be interested in the event of any suit, matter, or thing, depending therein, the same shall be finally decided by the other judges, if there be a number of judges not so interested sufficient to constitute a court; and in case a majority of said judges shall be interested in any cause depending in said court or of any kind to either party within the third degree, it shall be the duty of the congress to appoint, by joint resolution, one or more persons learned in the law to supply the places of the judges so interested, who shall hear and determine all such causes.

SEC. 21. Whenever the supreme court shall be equally divided in opinion, on hearing any appeal or other matter, the judgment or decree of the court below shall be affirmed.

SEC. 22. The sheriff of the county in which the supreme court shall be held, shall be the sheriff of said court, and shall attend the same with a sufficient number of deputies accordingly: and the sheriff and his deputies shall be bound to perform the duties of such.

SEC. 23. The supreme court shall have power to punish any person for a contempt of such court: provided such punishment shall not exceed, for each contempt, a fine of one hundred dollars, and imprisonment for six days.

SEC. 24. The chief justice shall cause to be procured a seal for the use of the supreme court, with the style of the Supreme Court around the margin in circular form, with a star of five points in the centre.

SEC. 25. The chief justice and the district judges shall be sworn into office by any one of the primary judges heretofore appointed by law.

SEC. 26. And be it further enacted, That the supreme court shall have power from time to time to establish rules or proceedings for the government of said courts, and in the several district courts in this republic: provided such rules be not inconsistent with the constitution and laws of the republic.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 15, 1836.

SAM. HOUSTON.

JOINT RESOLUTIONS,

For the relief of G. & T. H. Borden.

SEC. 1. Be it resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized to issue an order on David White, for the sum of two thousand two hundred and thirty-eight dollars twenty-seven cents, in favor of G. & T. H. Borden; and that such order, bearing legal interest, be received as cash, and paid by David White, as agent of Texas, out of any money he may have or receive for the republic of Texas.

SEC. 2. And be it further resolved, That the full amount of a contract between the Messrs. G. & T. H. Borden, on the one part, and a joint committee of both houses on the other, the date of the first payment terminating on the eleventh instant, and amounting to two thousand six hundred and sixty-two dollars fifty-six cents, be liquidated in the manner aforesaid.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 15, 1836.

SAM. HOUSTON.

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AN ACT,

Making appropriations for paying the expenses of the government of Texas.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the following sums of money, for defraying the expenses of the government, in part, for the years 1836 and 1837, to wit: For defraying the expenses of the navy, one hundred and fifty thousand dollars; for the expenses of the army, seven hundred thousand dollars; for the executive and civil departments of the government, one hundred and fifty thousand dollars, making an appropriation of one million of dollars; which said one million of dollars, the secretary of the treasury is hereby authorized and required to pay out of the treasury, out of any money therein, not otherwise appropriated by law.

SEC. 2. And be it further enacted, That if there should be

no monies in the treasury when the same may be demanded according to law, of the secretary of the treasury, then and in that case he shall issue scrip to the person or persons lawfully entitled to the same.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 15, 1836.

SAM. HOUSTON.

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AN ACT,

Establishing regulations and instructions for the government of the naval service of Texas.

OFFICERS IN GENERAL.

ART. 1. Every officer is to repair to the squadron or vessel to which he shall be appointed, without delay after receiving orders.

ART. 2. Every officer, from the time of his joining the squadron or vessel to which he shall be appointed, to the time of his removal, is to be constant in his attention to his duty; never absenting himself, except on public service, without the consent of his commander, nor shall he remain out of the vessel during the night, nor after the setting of the watch, without having obtained express permission to that effect.

ART. 3. Every officer is directed to wear his uniform at all times while on public service, and it will be the duty of commanders and others to prevent any change whatever from being made in that which now is, or hereafter may be established for the navy.

ART. 4. Every officer is to conduct himself with proper respect to his superiors, and to show every respect and attention to those under his orders, having a due regard to their situation, and invariably to deport himself in every situation so as to be an example of morality, regularity, and good order, to all persons attached to the naval service. He will observe attentively the conduct of all under his command, encouraging and commending the meritorious, and censuring, punishing, or reporting to his superiors the misconduct of those who may deserve it.

ART. 5. If an inferior shall be oppressed by his superior, or observe any misconduct in him, he is not to fail in his respect

towards him, but he is to represent such oppression or misconduct to the captain of the vessel, or to the commander of the squadron in which he serves, or to the secretary of the navy in writing.

ART. 6. Every officer is strictly enjoined to avoid all unnecessary expenditure of money or stores belonging to the public, and as far as may depend on him, to prevent the same in others.

ART. 7. Every officer is strictly enjoined to report to his commander, or to the secretary of the navy, as circumstances may require, any neglect, collusion, or fraud discovered by him, in contractors, agents, or other persons employed in the supplying of vessels with provisions or stores, or in executing any work in the naval department, either on board vessel or on shore, whether or not such provisions or stores are under his own charge, or such work under his own inspection, or that of any other officer. But in making such representations he will be held accountable for all vexatious and groundless charges exhibited by him in manner aforesaid.

ART. 8. Every officer is strictly forbidden to have any concern or interest in the purchasing of, or contracting for supplies of provisions or stores of any kind for the navy, or in any works for or appertaining to it; neither shall he receive any emolument or gratuity of any kind, either directly or indirectly, on account of such purchases, contracts, or works, from any person or persons whatever.

ART. 9. Every commander, before he leaves his command, is to sign all books, accounts, and certificates, which may be necessary to enable officers to pass their respective accounts, or to receive their pay: provided he be satisfied that such books, accounts, and certificates, are correct, as by the assurance of the purser, who will be held accountable for all errors and improprieties appearing in papers bearing his signature.

ART. 10. If any officer shall receive an order from his superior, contrary to the general instructions of the secretary of the navy, or to any particular order he may have received from the said secretary of the navy, or any other superior, from whom he shall have received said orders; and if, after such representation, the superior shall still insist upon the execution of his order, the officer is to obey him, and report the circumstance to the commander of the vessel, to the commander of the squadron, or to the secretary of the navy, as may be proper.

ART. 11. The pay of every officer shall be held answerable

ble for any loss, embezzlement, or damage occurring through neglect of the public stores, and for all unnecessary expense.

#### COMMANDER - IN - CHIEF.

ART. 1. Every officer appointed to the command of a squadron, shall obtain the most correct information of the state, qualities, and number of the vessels and crews under his command; the order and discipline observed in them; the quantity and quality of provisions and stores on hand, and their fitness for the service intended. He shall acquaint himself also with the skill, capacity, and information of the commanders and other officers, that he may be enabled to select for particular services, those best qualified by their peculiar abilities and sound knowledge to perform them. He shall use every exertion to equip expeditiously the squadron, and report to the secretary of the navy any defects he may discover in the vessels or their supplies, which may unfit them for the service intended.

ART. 2. He shall keep the squadron in the most perfect condition for service that circumstances will admit of, and make their repairs as far as may be in his power, by the artificers and others belonging to the vessel under his command.

ART. 3. He shall take every favorable opportunity to exercise the vessels under his command, in performing all such evolutions as may be necessary in the presence of an enemy; and on all occasions he is to be careful that a proper example of alertness and attention is shown to the squadron by the vessel which carries his flag.

ART. 4. He shall be attentive in battle to the conduct of every vessel or officer under his command, in order that he may be enabled to correct their errors, and prevent any bad effects from misconduct, and to make a true statement, to the end that they may be rewarded or punished as their conduct may really deserve.

ART. 5. He shall direct the crews of the respective vessels under his command to be frequently mustered, and cause inquiries to be made into the qualities of the men, and their fitness for the stations in which they may be rated.

ART. 6. He shall inspect into the state of every vessel under his command, and the order, discipline and attention to cleanliness, and the modes adopted for the preservation of health, and the degree of attention paid to the regulations and instructions of the navy.

ART. 7. He shall not order any commander to take on

board passengers, or to have supernumeraries, unless there should be strong reasons for so doing; and in such case he shall state his reasons in his order for that purpose.

ART. 8. He shall inform the secretary of the navy of all his proceedings relative to the service upon which he may be employed.

ART. 9. He shall correspond regularly with the secretary of the navy, informing him of all orders given by him, relating to the duties respectively connected with his command; and it shall be his duty to point out such naval improvements as his observation may enable him to suggest, and such defects and neglects as may come under his notice.

ART. 10. When it shall become absolutely necessary to suspend from employment, an officer having charge of stores, he may appoint another to act in his stead, until the pleasure of the secretary of the navy be known. He shall report by the first opportunity, an account of the circumstances which may have caused the suspension, and order a survey to be held, and an inventory of stores to be taken; one copy of which he shall forward to the navy department, and another he shall deliver to the officer taking charge of the stores, who will open accounts of the receipts, returns, conversions, and issues, from the period of closing the survey.

ART. 11. He may in like manner, and for good reasons, suspend from their stations, the captains or other officers under his command, and on a foreign station appoint others to act in their places, until the pleasure of the secretary of the navy be known; but in these cases he shall immediately transmit an account thereof to the secretary of the navy, specifying his reasons for so doing, and furnish the captain or other officers with a duplicate of the same.

ART. 12. He shall not, without good and sufficient reason, to be immediately communicated to the secretary of the navy, alter the appointments assigned to officers at the period of fitting out.

ART. 13. He shall preserve the instructions and orders received by him, and all other papers and correspondence relating to the service upon which he may be ordered in the most intelligible form, and at the end of every cruise he shall send to the secretary of the navy a narrative of his proceedings, accompanied by a fair copy of such official correspondence as may have any connection with the facts therein stated.

ART. 14. He shall conform to the standing rules of the

navy in such directions as he shall give to established agents, and incur no expense that the public service does not render absolutely necessary.

ART. 15. He shall have no private interest in the procurement of stores or provisions for the public service, nor in any way interfere with the purchase or procurement of them, where there are proper officers for that purpose, except when an absolute necessity arises for his making use of his credit or authority to obtain them.

ART. 16. He shall obey all orders received from the secretary of the navy, and exact a strict attention to them from all persons under his command.

ART. 17. In the purchase of provisions or stores at places where no regular agent is established, he may appoint one for the purpose of obtaining the necessary supply, and he may himself contract for the whole quantity required, or direct each captain to purchase what the vessel under his command may require; but in either case the amount of the bills drawn will be charged to his account, until satisfactory vouchers are received to show that the articles were of a suitable quality, and purchased at the lowest rate.

ART. 18. He shall, as far as may be practicable, when no regular agents may be established, have the public works which it may be necessary to have done, on contract, executed at the lowest rates, and on the most reasonable terms, giving public notice, that tenders may be received from those disposed to contract: copies of which contracts shall be sent by him to the secretary of the navy.

ART. 19. No boats or vessels shall be hired for the use of the squadron, without the consent of the commander, and he will be careful that such consent is not given, except when the service required cannot be performed by the boats of the vessel under his command.

ART. 20. Foreign agents are to be paid by bills drawn on the secretary of the navy, at the regular rates of exchange, unless otherwise instructed by the secretary of the navy; or bills may be disposed of, and the proceeds applied towards reimbursing them; but in either case the certificates of three respectable merchants, and the approval of the commander of the squadron, must be forwarded with the letter of advice. These bills shall in all cases be drawn by the pursers of the respective vessels for the amount of the provisions or stores received, and approved

by the commander of the squadron, or by the captain of the vessel when acting separately.

ART. 21. The commander of a squadron shall direct frequent examinations to be made into the hospital establishments, and sick quarters under his command, and cause every attention to be paid to the comforts of the sick. He shall cause the examining officers to make to him a written report of their state and condition.

ART. 22. Should the commander of a squadron be killed or disabled in battle, his flag shall continue flying while the enemy remains in sight, and the officer next in command shall be informed thereof, and take command of the squadron.

ART. 23. On the death of the commander of a squadron, the officer who succeeds him shall enjoy all the pay and emoluments of commander, in the same manner as his predecessor, until the pleasure of the secretary of the navy be known; but he is not to assume any badge of distinction, or hoist any flag which his rank does not entitle him to.

ART. 24. The commander of a squadron shall not resign his command or quit his station, unless the bad state of his health shall render a change of climate or situation absolutely necessary; and in such case he shall not weaken the squadron by taking from it a vessel, the service of which may be necessary.

ART. 25. When the commander of a squadron shall resign his command, he shall deliver to his successor the originals of all secret instructions, orders and signals, and authenticated copies of all other unexecuted instructions and orders, together with such information as may be in his possession relative to the service to be performed.

ART. 26. In the absence of the commander of the squadron, the senior officer shall be governed by the foregoing instructions, and shall superintend the various duties to be performed; for the due execution of which he will be held responsible.

## OF STORES AND PROVISIONS.

### THE CAPTAIN.

ART. 1. The signature of the captain shall be affixed to all papers having reference to the expenses of the vessel.

ART. 2. On taking command, he shall demand of his predecessor an inventory of all the articles which are on board, and if he command the vessel until she is paid off, he shall send such inventory with his accounts to the auditor of the treasury.

ART. 3. He shall cause a careful examination to be made of all articles received on board for the use of the vessel, and if he fail to do so he will be alone accountable for any evils resulting from defect or deficiencies in them: provided such defect or deficiencies were passed over at the receipt of the articles from want of due examination thereof.

ART. 4. When the duties of the ship will admit of it, he shall permit the purser to use the boats for the purpose of conveying on board provisions, stores, and other necessaries for the use of the vessel.

ART. 5. He shall not permit his stores to be applied to private uses, wasted, or, without absolute necessity, converted to other purposes than those for which they were intended; and whenever he shall think it necessary to order any extraordinary expenditure or conversion of stores or provisions, his order for that purpose shall be given in writing, stating the reason or reasons for such extraordinary expenditure or conversion, which order shall be preserved and produced by the officer having charge of the stores so expended or converted, at the settlement of his accounts.

ART. 6. If any stores or provisions shall be lost, destroyed or embezzled, the circumstances shall be noted in the log book of the vessel and if, through neglect or design, they should be totally lost, they shall be charged to the offender, and he be brought to punishment.

ART. 7. He is to use the utmost economy in every thing which relates to the expenses of his vessel and the public service confided to him, using every article for the purpose for which it was originally intended, and making his supplies and means last as long as possible. He is not to use sails for covering boats, nor for awnings, nor to convert canvass into sails not allowed for the service, nor to any other purpose than that for which they were supplied, unless they shall have at first been surveyed and reported unfit for their proper use; nor shall he make any alterations in the vessel under his command without the permission of the commander-in-chief, or that of the secretary of the navy.

ART. 8. He shall examine the weekly returns of expenditures, and, with the master, sign those made monthly; which, when so signed, are to be delivered to the officers having charge of stores, to be presented by them at the settlement of their accounts.

ART. 9. He may grant to private vessels of Texas, and to

foreign vessels, when absolutely necessary, such supplies of provisions and stores as they stand in need of; giving the officers having charge of them written orders to that effect, and taking from the master or commander of the vessel so supplied, three receipts, and three bills of exchange, drawn in favor of the secretary of the navy on his owner, or those concerned in the vessel, for the real amount of the articles furnished; which bills, and two of the receipts, shall be transmitted to the secretary of the navy, and the circumstance noted on the accounts and log book of the vessel.

ART. 10. When it becomes necessary to purchase stores, they shall be delivered to the proper officers of the vessel, who shall sign receipts for them, and they are to be charged at their cost by the purser of the vessel, against such officers, in their accounts; and such charge or charges shall be transmitted to the auditor of the treasury, to stand against their pay until accounted for.

ART. 11. On the death of an officer having charge of stores, his public papers shall be separated from those of a private nature, the former to be forwarded by safe conveyance to the auditor of the treasury, and the latter, together with his private effects, to be put in charge of such officer as the captain of the vessel may appoint for that purpose, to be preserved for the benefit of the legal representative of the deceased; unless from particular circumstances, the captain should deem it advisable to dispose of them at public sale; in which case a duplicate of the inventory, with an account of the disposal or sale, shall be transmitted to the auditor of the treasury.

ART. 12. If an officer, having charge of stores, should from any accidental circumstance, be separated from his vessel, the captain shall proceed to survey and ascertain the state of the stores, as though such officer were actually dead, or discharged: and he shall, as in a like case, appoint another officer to act in his place, giving the earliest intelligence of his proceedings to the auditor of the treasury.

ART. 13. When a ship or vessel cuts, slips, or parts her cable, the captain shall, as soon as circumstances will admit, endeavour to recover the anchor or cable lost; and should it appear that no exertion for that purpose was made by him, the value of the articles will be charged against his pay; if the vessel put to sea without recovering them, the senior officer present shall endeavour to recover them, but no vessels are to be hired for the purpose, if the boats and crew of the squadron are able

to effect it: if neither of them, however, have an opportunity of recovering them, the captain of the vessel whose cable was thus cut, slipped, or parted, shall, without delay, give an account to the commander-in-chief, or to the navy agent, taking care to state particularly the bearings and distances of the most suitable places to mark the spot where the anchor lies, to the end that means may be immediately adopted for recovering it.

ART. 14. He shall attend with all the officers of his vessel when the crew is paid off, and examine carefully, to discover if any articles are concealed with a view to embezzlement, and report to the secretary of the navy the character of each officer serving under him, particularly as to his sobriety, diligence, activity and abilities.

ART. 15. A captain, when not under the immediate command of a superior, shall be held responsible for all accidents arising from negligence during his absence from the vessel he commands, where his presence might have prevented such accidents, unless he be absent on public duty, or by permission of the secretary of the navy. He shall also be held responsible for all accidents arising from the absence of the officers and crew of the vessel he commands, unless they be absent on public duty, or by permission of the secretary of the navy.

ART. 16. When the vessel goes into port to refit, he is to order a minute and careful survey of all stores, and call upon the proper officers and prepare lists of all such as are damaged as required to be replaced.

ART. 17. He is not to suffer any except the most careful of the officers and men to have berths, or to sleep in the orlop or cable tiers, in which lights are never to be used without his express permission, and then in good lanterns; nor is he to allow any person to smoke tobacco in any part of the vessel except the galley. He is strictly forbid the sticking of candles against the beams, the side or any other part of the vessel; to enjoin it upon the officers never to read in bed by the lights either of lamps or candles, nor to have any lights in their cabins without some person to attend them; to cause the funnel hole to be well secured by lead or otherwise, and the funnels to be cleaned every morning before the fires are lighted; to cause all fires to be extinguished, and lights to be put out, at the setting of the watch by the master-at-arms and ship's corporal, except such as he shall permit to be kept burning; and to give the most positive orders, and most rigidly to enforce them, that no lighted candle be carried into the spirit room on any pretext whatever,

while drawing or pumping of spirituous liquors, which duty shall be performed only by day, except on great emergencies occurring in the night.

ART. 18. He is not to suffer any person whatever to smuggle on board, nor to sell any kind of beer, wines, or spirituous liquors on board to the ship's company. He is not to allow the men to sell, exchange, or in any manner dispose of the slop clothes or bedding with which they are supplied, and as far as possible to prevent any traffic amongst them that would induce them to draw from the purser tobacco, sugar, tea, slop clothes, or any other articles in larger quantities than are usually supplied.

ART. 19. He is to be particularly attentive to the comfort and cleanliness of the men, directing them to wash themselves frequently, and to change their linen at least twice every week. He is never to suffer them to sleep in wet clothes or wet beds if it can possibly be avoided; and to cause them frequently, particularly after bad weather, to shake their clothes and bedding in the air, and to expose them to the sun and wind.

ART. 20. As cleanliness, dryness, and pure air essentially conduce to health, he is to exert his utmost endeavors to ensure these to the ship's company in the most extensive degree. He is to cause the upper decks to be washed every morning, and the lower decks as often as may be necessary when the weather will admit of their being properly aired and dried; to be swept every meal, and the dirt thrown overboard. He is to cause the hammocks to be carried on deck, and the ports to be opened as often as the weather will permit, and no more chests or bags to be kept on the lower gun deck than may be necessary for the comfort of the men; so that as few interruptions as possible may be opposed to a free circulation of air. He is to cause the wind sails and ventilators to be kept in continual operation; the vessel to be pumped out daily.

ART. 21. The clothing issued to the men is to be suitable to the season; but the wearing of flannel shirts is to be encouraged and permitted at all seasons and in all climates.

ART. 22. The practice of detaining boats on shore for officers, after night is set in, is strictly prohibited.

ART. 23. On receiving newly recruited men, the captain will cause an examination into the state of their persons and clothing, and use every measure to guard against the introduction of filth and contagion on board the vessel.

ART. 24. As soon as possible after the ship's company is received on board, he will, with the assistance of the senior

lieutenant, master, and boatswain, proceed to examine and rate them according to their abilities, which he is to do without partiality or favor. He is to rate as petty officers those only who shall be found qualified for such stations, and to take especial care that every person in the vessel, without exception, does actually perform the duties of his station in which he is rated. He shall rate none as ordinary seamen who have not been previously at sea twelve months, and are able to go aloft, and perform some of the duties of a seaman; nor shall he rate any as able seamen who have not been previously at sea three years, and are capable of performing most of the duties of a seaman.

ART. 25. He is, without loss of time, to make arrangements for quartering the officers and men, distributing them to the guns, musketry, rigging, &c.; to divide them into watches, make out his quarter, station, and watch bills of the names of men stationed at every gun, to muster and exercise them frequently at the great guns, small arms, bending and unbending loosing, and reefing, and furling sails, sending up and down top-gallant-masts and yards, rowing in boats, and every other duty which it may be necessary for seamen to perform at sea and in port.

ART. 26. As occasions may frequently occur on which it may be necessary and of great importance that seamen should be skillful in the use of muskets, the captain is to order a number of sailors to be exercised and trained up to the use of small arms.

ART. 27. No captain shall carry any woman to sea without an order from the secretary of the navy, or from the commander-in-chief of the squadron to which he belongs.

ART. 28. Every captain is required to make himself acquainted with every coast and harbor he may visit, and if practicable, to make charts and drawings of them, provided it can be done without giving offence; all of which he is to forward to the secretary of the navy, accompanied with a journal containing such remarks, description, and information as he may think necessary to give. He is to endeavour to ascertain correctly the latitude and longitude of places little known, the prevalent winds and currents, the soundings, &c., as well as every other information that may be of importance to those who visit the place after him; he will also encourage and offer every facility to such of his officers as are desirous of entering into similar occupations and pursuits; and if any such journals or charts contain observations or remarks which may contribute to the

improvement of geography by ascertaining the latitude and longitude, fixing or rectifying the position of places, the height and views of land, charts, plans or descriptions of any port, anchorage ground, coast, island, or dangers little known; remarks relative to the directions and effects of currents, tide or winds, the officers or persons appointed to examine them will make extracts of whatever may appear to merit preservation; and after these extracts have been communicated to the officer or author of the journal from which they have been taken, and that he has certified in writing to the fidelity of his journal, as well as of his charts, plans and views which he has joined to it, the same shall be signed by the officers and examiners, and transmitted with their opinions thereon, to be preserved in the depot of charts, journals, and plans.

ART. 29. Whenever he is to sail from port to port, in time of war, or appearance thereof, he is to give notice to merchant vessels bound his way, and to take them under his care, if they are ready, but not to make unnecessary stay, or deviate from his orders on that account.

ART. 30. He is, by all opportunities, to send an account of his proceedings to the secretary of the navy, and he is to keep up a punctual correspondence with all public officers in whatever concerns them.

ART. 31. He is not to go into any port but such as may be directed by his orders, unless by absolute necessity; and then not to make any unnecessary stay. If employed in cruising, he is to keep the sea, the time required by his orders, or give reasons for acting to the contrary, to the secretary of the navy.

ART. 32. Upon his own removal into another vessel, he is to show the originals of all such orders as have been sent him, and remain unexecuted to his successor, and leave with him attested copies of the same.

ART. 33. He is to leave with his successor a complete muster book, and send all other books and accounts to the officers to whom they respectively relate.

ART. 34. In case of shipwreck, or other disasters whereby the vessel may perish, the officers and men are to stay with the wreck as long as possible, and save all they can.

ART. 35. When any men employed for wages are discharged from one vessel to another, the captain of the vessel from which they may be discharged is immediately to send pay lists of such men to the auditor of the treasury, and the purser of the vessel from which they are so discharged, is also to supply

the purser of the ship to which they are transferred, a pay list, stating the balances respectively due them.

ART. 36. He is responsible for the whole conduct and good government of the vessel, and for the due execution of all regulations which concern the several duties of the officers and company of the vessel, who are to obey him in all things which he shall direct for the service of Texas.

ART. 37. The quarter deck must never be left without one commissioned officer at least, and the other necessary officers which the captain may deem proper to attend to the duty of the vessel.

ART. 38. On vessels of Texas being visited by custom-house officers, the captain will offer them every facility in the performance of their duties, and if there should be a suspicion of any persons having articles on board, subject to the payment of duties, which such person is desirous of smuggling, he is to give them every possible assistance in discovering such articles, if they are really on board. If he should discover any officer in the act of smuggling or attempting to smuggle, he is immediately to arrest such officer, and report the same to the secretary of the navy, in order that such direction may be given as conduct so injurious to the public, and so disgraceful to an officer shall require.

ART. 39. While in port or roadstead, he is to follow the motions of the senior officer present, by striking or getting up yards and topmasts, loosing or furling sails, and doing any other duties contemporaneously with the vessel which the senior officer commands, unless such senior officer shall dispense with his so doing.

ART. 40. He is to pay every attention to the comforts of the sick and wounded, causing a comfortable place to be provided for them in any part of the vessel where they will be the least incommoded.

ART. 41. He is required to keep copies of all official correspondence.

ART. 42. The captain of a vessel carrying a broad pendant, is on all occasions of duty to consult his commander, and a respect due him requires that he should not inflict any punishment without his knowledge.

ART. 43. If any Texian vessel of war should be wrecked, the captain is to use every possible exertion to save the lives of the crew, and to preserve the stores, provisions, and furniture of the vessel. He is also to endeavour to save the vessel's papers,

particularly the muster and slop books, and to take special care to preserve or destroy all signals, secret orders, and instructions, to prevent their falling into improper hands. He is to dispose of the crew in a manner most conducive to their comfort and the public interest, and to be very particular in keeping up a regular and perfect discipline among them, carefully preventing the commission of any irregularity which may give offence to the inhabitants of the country they are in.

ART. 44. He is to lose no time in getting the crew to Texas, to effect which he is authorized to dispose of, on the best terms, the property saved from the wreck, or to draw on the secretary of the navy for the necessary monies.

ART. 45. Whenever any commander of a public vessel of Texas shall find himself placed in such circumstances as shall compel him to strike his flag to an enemy, he is to take especial care to destroy all his secret instructions, signal books, and private signals; and for this purpose they should be always kept fastened to a weight, so heavy as to sink them immediately on being thrown overboard; and on enquiring into the loss of the vessel, he will produce evidence of his having done so.

ART. 46. The vessel and every person on board being placed under the command of the captain, he will be held responsible for everything done on board. From him will be expected an example of respect and obedience to his superiors, of unremitting attention to his duty, and a cheerful alertness in the execution of it, in all situations, and under all circumstances. He will be expected to observe himself, and strongly to enforce in others, the most rigid economy in the expenditures of public stores; and to show by every means in his power, a steady determination to serve his country with the utmost zeal and fidelity; and although particular duties are hereafter assigned, and various instructions given to every officer in the navy; from him it will be expected that all those, whether officers or others, shall be corrected, or their conduct properly represented, who are disobedient or disrespectful to their superiors, neglectful of their duty, wasteful of public stores, or who by their conduct or conversation shall endeavour to render any officer or other person dissatisfied with his situation, or with the service on which he is employed. He is to observe with particular attention the conduct of every officer, and of every other person under his command; that being acquainted with their respective merits, he may assign them such station as they may be qualified to fill; and for arduous and dangerous enterprises may select those whose

abilities and courage may afford the best hopes of success. He is to be extremely attentive to every thing done by his clerk, who, being appointed for the sole purpose of assisting him, will be considered as always acting by his order.

ART. 47. The commander of a squadron shall be allowed, on fitting out, to equip his cabin every three years or thereabouts, in lieu of every expense for movable furniture, the sum of five hundred dollars.

ART. 48. There shall be allowed on fitting out to equip the cabin of a captain, every three years or thereabouts, in lieu of every expense for movable furniture, three hundred dollars.

ART. 49. Articles unfit for service must be surveyed by an order from the secretary of the navy, or in the event of a vessel being on a foreign station, by an order from the commander of the station, on the application of the commander of the vessel; and no new articles are to be furnished until the old shall be condemned, which must be certified by the officers holding the survey, and the certificate forwarded to the secretary of the navy.

ART. 50. Articles of cabin furniture broken or lost at sea, shall be replaced by the commander of the vessel at his own expense, unless he shall make it appear by the certificate of two commissioned officers, that such loss or breaking was occasioned by unavoidable casualty, or accident beyond his control.

#### OF THE LIEUTENANT.

ART. 1. A lieutenant is to be constantly attentive to his duty, and diligently and punctually to execute all orders for the public service which he may receive from the captain or other senior officer. When he has the watch he is to be constantly on deck, until relieved by the officer who is to succeed him. He is to see that the men are alert and attentive to their duty, that every precaution is taken to prevent accidents from squalls or sudden gusts of wind, and that the vessel is as perfectly prepared for a battle as circumstances shall admit. He is to be particularly careful that the vessel be properly steered, and that a correct account be kept of her way, by the log being duly hove and marked on the log board.

ART. 2. He is to see that the master's mates and midshipmen of the watch, are constantly on deck, and attentive to their duty; and he is to order the men of the watch to be frequently mustered, and to report to the captain such as he shall find absent from their duty.

ART. 3. He is to be extremely attentive to keep the vessel in her station in any squadron he may belong to; and he is to inform the captain whenever he apprehends that he shall not be able to do so.

ART. 4. He is to inform the captain of all strange sails that are seen, all signals that are made, all changes of sail made by the commander, all shifting of the wind, and in general of all circumstances which may derange the order in which the squadron is sailing, or prevent the vessel from continuing on the course directed to be steered.

ART. 5. He is to be very particular in delivering to the lieutenant who relieves him on the watch, all orders received by him from the captain or lieutenant he relieved remaining unexecuted; and he is to inform him of all signals made by the commander-in-chief, which still remain to be obeyed. He is to point out to him more especially in the night the situation of the commander-in-chief, and to inform him what sail his vessel was carrying when it could last be ascertained, and whether the vessel was coming up with or dropping astern of him; and he is to give in general whatever other information may be necessary to enable him to keep the vessel on her station, if the squadron be formed in the order of sailing, or to keep well up with it, if it be not so formed.

ART. 6. He is to keep men at the masts' heads during the day, and in proper stations during the night, to look out. He is frequently to remind them of their duty, if necessary, and to relieve them, more or less frequently, according to the state of the weather, and the degree of their attention.

ART. 7. On a strange sail being seen in the night during war, he is to send a midshipman to inform the captain, and is himself to make arrangements for getting the vessel ready for action. He is to keep out of gunshot until every thing is ready, but in doing this he is to be careful not to remove to such a distance as to risk losing sight of her.

ART. 8. He is never to carry so much sail as to endanger the springing of any mast or yard, unless some particular service should require it, and when he does so, he must take care that all the men in the watch are at their stations, ready to shorten sail the moment any increase of wind, or other circumstances should make it necessary.

ART. 9. In the night he is to take care that the master-at-arms and corporals in their respective watches, are very particular in going the rounds, and that they visit all parts of the

vessel every half hour, to see that there is no disturbance among the men, and that no candles or lamps are burning, except such as are expressly allowed.

ART. 10. He is to direct the carpenter to sound the well himself, or direct one of his mates to do it, once at least in every watch, and to see that the ports are well barred; and the gunner or one of his mates to examine once at least in each watch, the state of the lashing of the guns, and to report to him when they have done so.

ART. 11. In the morning he is to direct the boatswain to examine into the state of the rigging, and the carpenter that of the masts and yards; he is to receive their reports, and to inform the captain of any defects they may discover.

ART. 12. He is never to change the course of the vessel without directions from the captain, unless it be necessary to avoid some danger.

ART. 13. If the vessel belongs to, or is in company with any squadron, he is to direct some careful officer to observe the signals made by the commanding officer; but he is never to answer any signal, whether general or addressed particularly to the vessel to which he belongs, unless he is certain that he sees it distinctly, and understands for what purpose it is made; and he is every evening before dark to see that lanterns with candles and every thing necessary for making signals in the night, are ready and in good order; and that the number of guns which may be directed not shotted, are ready for being fired, and to be particularly attentive in preventing any other lights being shown in the vessel when signal lights are hoisted, and when at sea that no light may be seen from the cabin or any part of the vessel.

ART. 14. During a fog he is to be particularly attentive to the guns fired by the commander-in-chief, that by observing any alteration that may take place either in the direction or strength of the report, he may take such steps as may be deemed necessary to prevent the vessel's being separated from the squadron. He is to be very careful to order the drum to be beat, and the bell to be sounded according to the tack the vessel may be on, for the information of vessels that may be near.

ART. 15. He is to see that every occurrence worthy of notice during the watch be properly entered on the log board, and that all signals made in the squadron are correctly minuted, in such a manner as the captain shall direct; and at the end of his watch he is to sign the log board and the report of signals,

with the initials of his name; and in like manner, when the occurrences of the day, and the report of the signals have been entered in the log book, he is to sign that with his name at the end of each watch he kept.

ART. 16. He is constantly to ascertain the latitude by observation, at noon, or by double altitude, as circumstances may require, and to keep an account of the vessel's way, specifying the course steered, and the distance run for each twenty-four hours, with the latitude and longitude she is in, and the bearings and distances of some head land from which she sailed, or towards which he may be going, with other particulars, and in any form that the captain shall direct; which account he is to deliver to the captain every day, as soon after noon as the other duties of the vessel will allow.

ART. 17. He is not to make any signal by day or night, except such as may be necessary to warn vessels of any danger to which they may be exposed, without the direction of the captain.

ART. 18. In time of action, he is to see that all the men under his command are at their quarters, and that they do their duty with spirit and alacrity. He is to be particularly attentive to prevent them from loading the guns improperly; from firing them before they are well pointed, and from wetting them after they have been fired, and he is to be very careful to prevent their making an improper accumulation of powder in any part of his quarters.

ART. 19. He is to be attentive to the conduct of all the ship's company, to prevent all profane swearing and abusive language, all disturbance, noise, and confusion, to enforce a strict obedience to orders, a proper respect to all superiors, and an observance of discipline and good order; and he is to report to the captain all those whose misconduct he shall think deserving of reprehension or punishment.

ART. 20. No boat is to be allowed to come along side, or to go from the vessel, without direction from the lieutenant of the watch. When vessels or boats come along side with provisions, stores, water, &c., he is to see that they are cleared without delay, and that the articles are taken into the vessel with the utmost care, to prevent their suffering any damage; and when any provisions, stores, empty casks, &c., are to be sent from the vessel, he is to be equally attentive in causing them to be put into the vessels or boats appointed to receive them.

ART. 21. In the absence of the captain, the senior lieute-

nant on board the vessel is to be responsible for every thing done on board; he is to see every part of the duty as punctually performed as if the captain were present.

He may put under arrest any officer whose conduct he shall think so reprehensible as to require it, and he may confine such men as he may think deserving of punishment; but neither he, nor any other lieutenant, who may become commanding officer, is to release an officer from his arrest, nor to release or punish any man who has been confined; for this is to be done by the captain only, unless he be absent from the vessel, with leave from the secretary of the navy, or from his commanding officer, in which case it is to be done only by the senior lieutenant commanding the vessel in the captain's absence.

#### OF THE MASTER.

ART. 1. A master, when attached to a vessel, is to be constantly attentive to his duty, and diligently and punctually to execute all orders he may receive from the captain or any of the lieutenants of the vessel for the public service.

ART. 2. He is to be present himself at the stowing of the hold, to see that the vessel has the proper quantity of iron or other ballast; and he is to stow her in a manner best qualified to preserve her trim, to make room in the hold, and to admit of the stowage of the water and provisions without risk of damage to the casks. He is to stow away as much wood in the hold as possible; and if it should appear to him that the quantity of wood and coals will not be sufficient for the time for which the vessel is victualled, he is to report it to the captain.

ART. 3. He is to be present when stores and provisions are received on board, to see them carefully and expeditiously hoisted in to prevent their being damaged; and if any of them should appear to him to be in any respect defective, he is to report it to the captain, or the commanding officer on board, that they may be surveyed as soon as the service will admit, and then disposed of in conformity to the report of the survey.

ART. 4. If any provisions are pointed out to him as being older than the rest, he is to stow them in such a way as to admit of their being first hoisted up; and on receiving any subsequent supplies, he is, whenever circumstances will admit, to put the new provisions under the old, that they may be the last expended.

ART. 5. He is to keep the keys of the after hold and spirit room, which, when wanted, he is to deliver to one of the

master's mates only, strictly charging him not to suffer a light to be carried into the spirit room; to attend himself, without quitting on any account, the spirit room or after hold while open, to see it properly secured when the service for which it was opened shall be executed, and to return the keys to him as soon as he has done so.

ART. 6. He is to see that the sails are properly fitted with points, robands, earings, &c., ready for being brought to the yards, and that the boatswain has always a sufficient number of spare points, robands, gaskets, mats, plats, knippers, &c., ready for any purpose for which they may be wanted.

ART. 7. He is to be attentive in observing the quantity of every species of provisions hoisted up from the hold, that if the quantity should appear to be more than is necessary for the ship's company, he may inform the captain; he is to attend also to the quantity of wood hoisted up, that he may prevent any improper expenditure of the same.

ART. 8. He is to be particularly careful to prevent any waste or improper expense of water, and never allow of its being started or pumped out in the hold without particular directions from the captain; nor is he to suffer more to be hoisted up in a day than the quantity allowed.

ART. 9. He is every day to report to the captain the quantity of water expended during the last twenty-four hours, and the quantity remaining on board.

ART. 10. He is, with the first lieutenant, to visit the store rooms of the warrant officers, to see that they are kept as clean and as well ventilated as circumstances will admit, that no other than the stores of the vessel are to be put into them, and that the stores are so regulated as to admit of any of them being found when wanted.

ART. 11. He is frequently to inspect the sail room, to see that they are dry, and the rooms in good order. He is to give orders for the repairing of sails immediately on discovering that they require it; and if he should find them or any of the stores at any time likely to be damaged by dampness, or by any other cause, he is immediately to represent it to the captain.

ART. 12. He is frequently to examine into the state of the rigging, and to see that the standing rigging is always kept well set up; to attend himself when it is set up; to examine frequently the running rigging, and to inform the captain when any part of it appears to be no longer serviceable.

ART. 13. At the end of every week he is to examine the

boatswain's and the carpenter's accounts of stores expended, and at the end of every month he is, with the first lieutenant, to sign their expense books, which he is to examine with very great attention before he signs them, to prevent the insertion of expenditures which have not been made, or any improper account of those which have.

ART. 14. He is to see that the compasses, the hour and other glasses are properly taken care of, to try them and compare them with each other frequently, to ascertain and prevent the bad effects of any error which may be in them, to see the log-lines and lead-lines correctly marked, and at hand, whenever they may be wanted.

ART. 15. He is, under the command of the captain, to have the charge of navigating the vessel. He is to represent to the captain every possible danger in or near the vessel's course, and the way to avoid it, and if it be immediate, to the lieutenant of the watch; whenever the vessel shall be approaching the land or any shoal, he is to be upon deck, and keep a good look out, always sounding to inform himself of the situation of the vessel.

ART. 16. He is every day at noon to deliver to the captain, an account of the situation of the vessel, the latitude and longitude she is in, the variation of the compass, the bearings and distance of the place sailed from, or of that to which the vessel is bound, and every other particular which the captain shall direct.

ART. 17. He is to have charge of the ship's log-book, which is to be written by the master's mate, under his immediate inspection; he is to compare it every day with the log board, to see that every circumstance which has occurred, is properly entered in it; and he is to send it immediately to the lieutenants, that they may sign their names at the end of their respective watches, while that which happened in them is still fresh in their memories. In the log book he is to enter with very minute exactness each of the following circumstances, viz:

1st, The state of the weather, the directions of the wind, the courses steered, and the distances run, with every occurrence relating to the navigation of the vessel, the setting and the velocity of the currents, and the result of all astronomical observations made to ascertain the situation of the vessel, the variation of the compass, &c.

2d, The loss of masts, yards, boats, &c., the splitting of

sails, the blowing away of flags or colors, and all other accidents, with the quantity of each article lost or saved.

3d, Every circumstance relating to the supply, receipts, loss, survey, and returns of slop clothes, provisions, casks, and water; specifying from whom they were received, and to whom they were supplied or returned, and by whose order, if any order were given, with the number of casks and packages written in words at length.

4th, An account of the quantity of every species of stores, purchased for the vessel, or received from, or supplied to any other Texian vessel, or to merchant vessels, or to any foreign vessels or arsenal.

5th, Every alteration made in the allowance of provisions, specifying by whose order such allowance was made.

6th, The marks and numbers of every cask of provisions or bale of slops opened for the use of the vessel's crew, with the quantity it is said to have contained, and the difference, if there is any.

7th, An account of the number of men employed on board who are to be paid for the services they perform, whether hired for that purpose, or lent from other vessels, mentioning the day on which they began, and on which they ceased working, and the number mustered every day. Every entry of the receipt, expenditures, loss, &c., of stores or provisions, is to be carefully examined by the officer who has the charge of them, who is to signify that the account is correct, by signing his name at the bottom of it. After the log book has been signed by the lieutenant, no alteration, however trifling, is to be made in it, without the approbation of the captain, and the perfect recollection of the lieutenant of the watch that such alteration is proper.

ART. 18. At the end of every six calendar months, he is to deliver a copy of the log book for those six months, signed by himself, to the captain, to be transmitted by the first safe opportunity to the secretary of the navy; and at the end of every twelve months he is to deliver the original log book, signed by himself, to the captain, to be kept by him till the vessel is paid off, and then to be sent to the secretary of the navy. If the master be superseded he is to sign the original log book, then in his possession, and to deliver it to his successor, who is to give him a receipt for it.

#### PURSER.

ART. 1. The purser being the officer appointed to receive

and distribute the victualing stores and slops of the vessel, having entered into bonds to the government of Texas, as prescribed by law, is to abide by the following regulations and instructions; and he is not to expect that any irregularity in, or omission of any part thereof, or of the forms referred to therein for keeping his accounts will pass unnoticed.

ART. 2. Every purser attached to a vessel of war shall make to the secretary of the navy a statement of his accounts every six months, and settle his accounts at the treasury every twelve months; nor shall he permit a longer time to elapse without offering his accounts for settlement, if the vessel to which he belongs be in a port, or on the coast of Texas; and in the event of his failing to do so, his pay and emoluments shall cease from the time of the expiration of the twelve months, commencing at the time of his joining the vessel, or at the date of the last settlement.

ART. 3. No purser can be employed or removed from one vessel or station to another, until he shall have settled up his accounts for the vessel or station to which he shall have last belonged, unless specially exempted from doing so by the secretary of the navy.

ART. 4. Before a purser can receive orders to join a vessel or station, or be removed from one vessel or station to another, he must produce a certificate from the auditor of the treasury, or other satisfactory evidence, that he has settled up his accounts for the last vessel or station to which he belongs, and that the balance against him does not exceed one thousand dollars.

ART. 5. When a purser joins a vessel or station he shall see that it is provided with the necessary articles belonging to his department; take care that the provisions, victualing stores, and slops are of good quality, and demand a survey on those which may appear damaged, or otherwise unfit for the service.

ART. 6. Tobacco will be purchased by the Texian government, and delivered and charged to the purser, at cost and charges; and he will, on the settlement of his accounts, be allowed fifty per cent. on the amount of all tobacco issued; which per centage is to be added to the cost and charges on the article when issued to the crew.

ART. 7. All the slops, clothing, &c., will be charged to the purser, at cost and charges, and he is to be held accountable for the expenditure.

ART. 8. In no case will the purser be credited even for

any alleged loss by damage in slops, unless he show, by regular surveys, signed by three officers, one at least to be commissioned, that the loss has been unavoidably sustained by damage, and not by any neglect or inattention on his part.

ART. 9. And as a compensation for the risk and responsibility, the purser shall be authorized to dispose of the slops to the crew at a profit of ten per cent.; but he must, at the end of every cruise, render a regular slop account, showing by appropriate columns, the quantity of each article received or purchased, and the prices and amount, and from whom, when and where, and he shall show the quantity disposed of, and to whom, and at what prices, so that his slop account may show the articles' prices, and amounts received and disposed of.

ART. 10. When on foreign station there shall be a necessity to purchase slops, they are to be purchased agreeably to the established uniform of the navy, which in winter shall consist of a blue jacket and trowsers, and red vest, yellow buttons, and black hat. In summer the dress will be white duck jackets and trowsers, and vests; and on the home station they will be supplied from the navy stores, on requisition, in the same manner as other stores are supplied.

ART. 11. Slops are to be issued out publicly, and in the presence of an officer, who is to be appointed by the captain, to see the article delivered to the seamen and others, and the receipt given for the same, which he is also to certify. The captain is not to suffer any one to be supplied with slops except when absolutely necessary, and he is to oblige those who may be ragged, and in want of apparel or bedding, to receive such of these things as he shall stand in need of.

ART. 12. When any one dies on board, his cloths and other effects may be sold at auction, and the amount, after being charged to the buyer, shall be carried to the credit of the deceased, for the benefit of his legal representatives.

ART. 13. The purser shall be allowed a commission of five per cent. to be deducted from the amount of the sale of dead men's clothes.

ART. 14. No purser shall draw moneys at any time or place without the approval and signature of his commanding officer.

ART. 15. Captains or commanders may shorten the daily allowance of provisions when necessity shall require it.

ART. 16. No officer is to draw whole allowance while the ship's company is on short allowance.

ART. 17. Provisions and stores purchased by agents are to be surveyed when received on board; and if it should appear by the report of the surveying officers that they are unfit for public use, they are to be returned to the agents, and on settlement the captain is to refuse to admit them into the agent's accounts against the vessel, and is to transmit to the secretary of the navy a duplicate of the report of survey, with such remarks as the case may require.

ART. 18. Every cask and package of provisions, wet or dry, bread excepted, sent on board the Texian vessels of war, is to have the contents thereof, as to quantity and kind, distinctly marked on it, together with a number, and the time when, place where, and by whom purchased or furnished. The casks are to be marked on the head, and the packages on some proper or conspicuous part of them.

ART. 19. The resignation of any officer when called into active service will be considered a disobedience of orders.

#### NAVAL GENERAL COURTS MARTIAL.

ART. 1. General courts martial may be convened as often as the president of the republic of Texas, the secretary of the navy, or the commander-in-chief of the squadron, while out of the limits of the republic of Texas, shall deem it necessary; provided, that no general courts martial shall consist of more than nine, nor less than five members; and as many officers shall be summoned as can be convened without injury to the service, so as not to exceed nine; and the senior officer shall always preside, the others ranking agreeably to the date of their commissions; and in no case, when it can be avoided, without injury to the service, shall more than one-half of the members, exclusive of the president, be junior to the officer to be tried.

ART. 2. Each member of the court martial, before proceeding to trial, shall take the following oath or affirmation, which the judge advocate, or person officiating as such, is hereby authorized to administer: "I, A. B., do swear (or affirm) that I will truly try, without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the navy, and my own conscience; and that I will not, by any means, divulge or disclose the sentence of the court until it shall have been approved by the proper authority; nor will I, at any time, divulge or disclose the vote or opinion of any particular member of the court,

unless required so to do before a court of justice, in due course of law."

ART. 3. All testimony given to a general court martial shall be on oath or affirmation, which the president of the court is hereby authorized to administer; and if any person shall refuse to give his evidence as aforesaid, or shall prevaricate, or shall behave with contempt to the court, it shall, and may be lawful, for the court to imprison such offender, at their discretion: provided, that the imprisonment in no case shall exceed two months, and every person who shall commit wilful perjury on examination on oath or affirmation before such court, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall, and may be prosecuted by indictment or information, in any court of justice in the republic of Texas, and shall suffer such penalties as are authorized by the laws of the republic of Texas, in case of perjury or the subornation thereof. And in every prosecution for perjury or subornation, under this act, it shall be sufficient to set forth the offence charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought, or intended to be brought before the said court.

ART. 4. All charges on which an application for a general court martial is founded, shall be exhibited in writing to the proper officer, and the person demanding the court shall take care that the person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; nor shall any other charge or charges, than those so exhibited, be urged against the person so to be tried before the court, unless it appear to the court that the intelligence of such charge had not reached the person demanding the court, when the person so to be tried was put under arrest, or that some witness, material to the support of such charge, who was at that time absent, can be produced; in which case, reasonable time shall be given to the person to be tried, to make his defence against such new charge. Every officer so arrested is to deliver up his sword to his commanding officer, and to confine himself to the limits assigned him, under pain of dismissal from the service.

ART. 5. When the proceedings of any general court martial shall have commenced, they shall not be suspended or delayed, on account of the absence of any of the members: provided five or more be assembled; but the court is enjoined to sit from day to day, (Sundays excepted,) until sentence be given: and no

member of said court shall, after the proceedings are begun, absent himself therefrom, unless in case of sickness, or orders to go on duty, from a superior officer, on pain of being cashiered.

ART. 6. Whenever a court martial shall sentence an officer to be suspended, the court shall have power to suspend his pay and emoluments, for the whole, or any part of the time of his suspension.

ART. 7. All sentences of courts martial, which shall extend to the loss of life, shall require the concurrence of two-thirds of the members present; and no such sentence shall be carried into execution, until confirmed by the president of the republic of Texas; or if the trial take place out of the limits of the republic of Texas, until it be confirmed by the commander of the squadron; all other sentences may be determined by a majority of votes, and carried into execution on confirmation of the commander of the fleet or squadron, or officer ordering the court, except such as go to the dismissal of a commissioned or warrant officer, which are first to be approved by the president of the republic of Texas.

ART. 8. A court martial shall not, for any one offence not capital, inflict a punishment beyond one hundred lashes.

ART. 9. The president of the republic of Texas, or when the trial takes place out of the limits of Texas, the commander of the squadron, shall possess full powers to pardon any offence committed against these articles, after conviction, or to mitigate the punishment decreed by a court martial.

ART. 10. And be it further enacted, That courts of enquiry may be ordered by the president of the republic of Texas, the secretary of the navy, or the commander of the squadron: provided such court shall not consist of more than three members, who shall be commissioned officers, and a judge advocate, or person to do duty as such; and such courts shall have power to summon witnesses, administer oaths, and punish contempt, in the same manner as courts martial; but such courts shall merely state facts, and not give their opinion, unless expressly required so to do in the order for convening; and the party whose conduct shall be the subject of inquiry, shall have permission to cross examine all the witnesses.

ART. 11. The proceedings of courts of enquiry shall be authenticated by the signature of the president of the court, and judge advocate, and shall, in all cases not capital, or extending to dismissal of a commissioned, or warrant officer, be evidence

before a court martial: provided oral testimony cannot be obtained.

ART. 12. The judge advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and enquire, according to the evidence, into the matter now before you, without partiality or prejudice." After which the president shall administer to the judge advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affirm) truly to record the proceedings of this court, and the evidence to be given in the case in hearing."

#### REGULATIONS RELATIVE TO NAVAL SURGEONS AND THEIR ASSISTANTS.

ART. 1. Every naval surgeon, upon being ordered to a vessel of war of the republic of Texas, shall, without delay, report himself to the commanding officer, and take in his charge all the medicines, instruments, hospital stores, utensils, and all other articles ordered for the use of the sick, agreeably to estimate, for which he shall give duplicate receipts to the medical purveyor, by whom they were supplied. He shall personally examine the articles before he passes his receipts, as he will be held strictly accountable for the expenditures thereof.

ART. 2. He shall keep, or cause to be kept, a regular account of the receipt and expenditure of the said articles of medicine, according to form; and at the expiration of every month, the amount of the hospital stores shall be carried to the credit side. These books he is carefully to preserve, and at the end of every year, to deliver them to the medical purveyor of the depot where he may have arrived.

ART. 3. Should a fresh supply of medicines, or other articles in the surgeon's department, be required on a foreign station, in consequence of any extraordinary number of sick, or by any injury sustained in a gale of wind, or in action, he shall make out a requisition for such articles as he may think absolutely necessary for the remainder of the cruise, or until he shall arrive in Texas; which requisition, when signed by the commander, shall be forwarded to the navy agent, or consul of the port where the vessel may be, who will direct the supply thereof. The surgeon shall examine and approve the accounts of all articles thus supplied, before they are received on board.

ART. 4. No condemnation of any article of medicine, or hospital stores, shall take place, unless a survey shall have been

had on the same, by order of the commander, at the request of the surgeon. A lieutenant, one surgeon and mate, shall be appointed for this purpose, and their certificate shall be necessary to exonerate the naval surgeon from the responsibility which these regulations impose on him.

ART. 5. He shall prescribe for casual cases, on the gun deck, every morning at nine o'clock, due notice having been previously given by his lob-lolly boy, by ringing of a bell. He shall visit those who are confined to the sick berths twice a day, or oftener if necessary, and prescribe such medicines and diet as he may think proper; he shall likewise direct the stoppage of the rations of every man on the sick list and excused from duty, when he shall issue hospital stores in lieu thereof.

ART. 6. He shall cause the patients under his care to be removed to the sick berth, whenever he shall judge it expedient. He is to request the commander to order as many men as may be requisite to attend their companions, day and night, as nurses; and whilst engaged in this duty they shall be subject to the orders of the surgeon, unless when mustered, or called to quarters; should they neglect to perform the duties required, and not use tenderness and humanity in the performance of them, the surgeon shall make a proper representation thereof to the captain. The sick berth shall be supplied with a sufficient number of buckets and covers, for the use of the sick, which shall be emptied frequently, and cleansed, and charcoal and water put in them. The berth shall be white-washed with lime, whenever an opportunity offers, and the deck sprinkled with vinegar.

ART. 7. He shall be extremely attentive to the personal cleanliness of the patients under his care, and see that the beds and bedding are properly attended to; also, that the sick are supplied with such medicines, drinks, and nourishments, as their situation may require.

ART. 8. He shall report daily to the commander, the number, names, quality, and state of the sick under his care, their disease, and probable cause of the increase of the sick; also, the result of his treatment, agreeably to form. He shall likewise deposit in the binnacle, an alphabetical list of those who are, or ought to be, excused from duty, in consequence of wounds, disease, or other injuries.

ART. 9. The day previous to the discharge of a man from the sick report, who has been subsisted by him, he shall inform the purser in writing, in order that his steward may include him in his mess, in serving out the rations.

ART. 10. He shall at all times be prepared with everything necessary for the relief of wounded men; and when the vessel is cleared for action, he shall repair to the cockpit, with his assistants and attendants, or to such part of the vessel as the surgeon, with the consent of the commander, may consider most proper for their reception, the situation having been previously arranged.

ART. 11. A variety of cases may occur, when, for the preservation of the lives of the sick, as well as for the safety of those who are well, it may be conceived necessary to remove part of the sick on the gun deck; it is therefore deemed proper that he should recommend their removal whenever circumstances may make it necessary.

ART. 12. When sick or wounded men be sent to any of the naval hospitals of Texas, they shall be accompanied by an officer, and an assistant surgeon, to see that they are conveyed with all the care and comfort that circumstances will admit of.

ART. 13. Each man sent to the hospital shall be furnished with a sick ticket, also an inventory of his effects, agreeable to form.

ART. 14. Whenever very important and difficult cases occur, he shall, if practicable, consult with the surgeons of the fleet or squadron.

ART. 15. He shall instruct his assistants, and all others stationed with him, in the use of the tourniquet, and such other persons as the commander may appoint. A number of tourniquets shall be distributed to the different quarters; also, two or three to each top, that the wounded men may suffer as little as possible from the loss of blood, before their removal to the cock pit.

ART. 16. He shall occasionally inspect the crew, and take every precaution to prevent the origin or progress of contagion, on the appearance of which he shall, without delay, report the case to the commander, in order that a timely separation may be made of the sick from the well, and adopt such measures as may have a tendency to arrest the progress of the disease.

ART. 17. He shall frequently inspect the provisions and liquors which may be served out, and report the same to the commander, when unsound; he shall likewise direct his mates to examine the cook's coppers, to see that he keeps them clean, and likewise report every thing respecting diet, dress, want of personal cleanliness; in short, every thing which may come

within the sphere of his knowledge, tending to promote the comfort and health of the crew.

ART. 18. He shall take care that the medicines, and all other articles with which he is supplied, are faithfully administered for the relief of the sick and wounded, and that no part of them be wasted or embezzled, or applied to any other purpose than that for which they were intended.

ART. 19. To enable the surgeon and his assistants to take proper care of the articles belonging to the medical department, a store room shall be allotted for their reception, which shall be solely under the charge of the surgeon, or, during his absence, of the first assistant.

ART. 20. Whenever the surgeon shall consider that a supply of fresh provisions, vegetables, or lemons, is necessary for the crew generally, he is to signify the same to the commanding officer.

ART. 21. The surgeon shall be allowed a faithful attendant to issue, under his direction, all supplies of provisions and hospital stores, and to attend to the preparations of the nourishment for the sick.

ART. 22. The purser shall, from time to time, supply, on the requisition of the surgeon, approved by the captain or commander, such articles of provisions as he may want for the use of the sick or convalescent; which articles shall be charged to the medical department, or against the rations of the sick which may have been stopped.

ART. 23. At the end of every six months the surgeon shall report to the secretary of the navy, the conduct of his mates; whether they have performed their duty with zeal and industry.

Surgical instruments are to be delivered to the surgeon, and charged to his account; and on his removal from the vessel, he is to take a receipt from his successor, the medical purveyor, or the surgeon of the hospital where the vessel may be laid up; which receipt, when approved by the captain, shall acquit him from further responsibility respecting them.

## THE GUNNER.

ART. 1. The gunner, having received directions for that purpose from the captain, is to inform the officer having charge of the ordnance, when the vessel will be ready to receive her guns. He is to attend to receive them on board, and to see that

every gun is placed on its proper carriage, and put in good order for use.

ART. 2. He is to examine very carefully into the state of the magazine, that he may be certain of its being perfectly fitted, and perfectly dry, before the powder is carried on board; but if he should find any appearance of dampness, he is to report it to the captain that it may be properly dried.

ART. 3. He is to inform the captain when the powder will be ready to be sent on board, that the fire in the galley may be put out, before the vessel which carries it is suffered to come along side; while the powder is taking into the vessel, no candles are to be kept lighted, except those in the light room, nor is any man to be allowed to smoke tobacco: as soon as the whole is stored in the magazine, the gunner is to see the doors, the light room, and the scuttle carefully secured; and is to deliver the keys to the captain, or to such other officer as he shall appoint to take care of them.

ART. 4. He is never to keep any quantity of powder in any other part of the vessel than the magazine, except that which the captain shall order to be kept in the powder boxes or powder horns on deck; and when he delivers cartridges from the magazine, he is to be very particular that they are in cases, properly shut; and whenever it may be necessary to move powder from the vessel, he is to use the utmost caution, that all the passages to the magazine may be wetted, so as to prevent accident.

ART. 5. He is to turn the barrels of powder once at least in every three months, to prevent the separation of the nitre from the other ingredients of the powder. He is also to examine frequently the barrels, and if he should find any of them defective, he is to remove the powder into some of the barrels which have been emptied. He is frequently to examine the cartridges which are filled, that he may remove the powder from any of them which he may find defective.

ART. 6. When powder of various qualities shall be sent on board, he is to be very attentive in using them in the order which shall be prescribed.

ART. 7. He is frequently to examine into the state of the guns, their locks and carriages, that they may be immediately repaired or exchanged, if found defective; and he is frequently to examine the musketry, and all the other small arms, to see that they are kept clean, and in every respect fit for service.

ART. 8. He is to be attentive in keeping the shot racks

full of shot, the powder horns and boxes of priming tubes full, and a sufficient quantity of match primed, and ready for being lighted at the shortest notice.

ART. 9. When a vessel is preparing for battle, he is to be particularly attentive to see that all the quarters are supplied with every thing necessary for the service of the guns, the boarders, firemen, &c. He is to see all the screens thoroughly wetted, and hung round the hatchways, and from them to the magazine, before he opens the magazine doors.

ART. 10. After an engagement he is to apply to the captain for a survey on the powder, shot, and other stores remaining under his charge, that the quantity expended in the engagement may be ascertained.

ART. 11. He is never to allow any match to be burnt in the day time, nor more than two lengths at the same time in the night, without an order from the captain. When a match is burning, it is always to hang over a tub of water, and the gunner's mate of the watch is to attend to it.

ART. 12. He is to take every possible precaution to prevent any ball cartridges being given to the men, among the blank cartridges issued for exercise.

ART. 13. He is to be very attentive to the conduct of the armorer and his mates, to see that they discharge their duty properly, that they keep the muskets and other small arms clean, and in good order, always repairing them when they are defective, and not suffering them, through neglect, to become too bad to be repaired.

ART. 14. As the brass sheves and iron pins of blocks of gun tackles, from being much exposed to salt water, are frequently set fast with rust, he is to be particularly attentive when this is the case, to cause the iron pins to be knocked out, and to be oiled and greased.

## SURVEYS.

ART. 1. If any officer shall wilfully sign any false report of quantity and condition of stores or provisions he is ordered to survey, or shall discover any fraudulent practices in the management of such stores or provisions, without making proper mention of them in his report; or if any person shall give false account of stores or provisions, by which the surveying officer may be deceived, and be led to make out an improper report, he is to be immediately suspended, and his misconduct reported to the

commander-in-chief, or to the secretary of the navy, that he may be tried by a court martial.

SAIL MAKER.

ART. 1. The sail maker is very carefully to examine the sails when they are received on board, and to inform the boatswain if he discover any defects in them, or any mistake in their number or dimensions; he is to examine carefully whether they are perfectly dry when they are put into the sail room; and if any part of them be damp, the first proper opportunity must be taken to dry them.

ART. 2. He is to be attentive to see all the sails properly tallied, and so disposed of in the sail rooms as to enable him to find immediately any that may be wanted.

ART. 3. He is frequently to inspect the condition of the sails in the sail rooms, to see that they are not injured by leak or vermin, and he is to report to the boatswain when it shall be necessary to have them taken upon deck to be dried. He is to repair them whenever they require it, and to use his best endeavors to keep them always fit for service.

CARPENTER.

ART. 1. When a vessel of war belonging to the republic of Texas is to be commissioned, the carpenter is to inspect very minutely into the state of the masts and yards, as well as those which may be in store, to insure their being perfectly sound, and in good order; he is also to examine every part of the hull, the magazine, store rooms and cabins, and he is to report to the captain any defect which he may discover.

ART. 2. He is to make every possible exertion in getting the stores on board, and he is to be very particular in observing that they are all perfectly good, and that he receives his full allowance of every article.

ART. 3. When the vessel shall be at sea, he is once at least every day to examine into the state of the masts and yards, and to report to the officer of the watch when he discovers any of them to be sprung, or to be in any way defective.

ART. 4. In vessels of two decks, he is frequently to examine the lower deck ports, to see that they are properly lined, and when they are barred in, he and his mates are frequently to see that they are properly secured.

ART. 5. He is to be particularly careful in keeping the

pumps in good order, always having at hand whatever may be necessary to repair them.

ART. 6. He is to keep the boats, ladders, and gratings, in as good condition as possible, always repairing every damage they may sustain as soon as he discovers it.

ART. 7. He is to keep always ready, for immediate use, shot plugs, and every other article necessary for stopping shot holes, and repairing other damages in battle; and, during the action, he is, with the part of the crew appointed to assist him, to be continually going about the wings and passages, and the hold, to discover where shot may have passed through, that he may plug up the holes and stop the leaks, as expeditiously as possible.

ART. 8. If he should at any time find stores, or other articles stowed in the wings or passages, in such a manner as might interfere with his working, if required to cut out shot, or stop leaks during an action, he is to report it to the captain, that it may be removed.

ART. 9. When the vessel is going into port, he is to prepare as correct an account as possible of the defect of the hull, masts and yards, and of the repairs she may stand in need of, of which he is to deliver to the captain two copies, one of which, when signed by the captain, he is to deliver to the master shipwright of the station. In making this report he is to be very careful not to exaggerate any defect, by which there may appear to be a greater necessity for the vessel's being repaired than really exists, nor is he to conceal any which may require to be repaired.

#### BOATSWAIN.

ART. 1. When a Texian vessel is commissioned, the boatswain is to exert himself to get on board all the stores committed to his charge, as expeditiously as possible, he is to examine them very carefully, and to inspect very minutely all fitted rigging, and to report to the captain such defects as he may discover in them.

ART. 2. When fitting out the vessel, and at all other times when it may be necessary to cut out rigging, he is to be extremely careful to cut every rope to the precise length allowed by the establishment, unless some particular circumstance, appertaining to the vessel, shall make it necessary to alter it; in which case he is to inform the captain, and to receive his orders for such alteration.

ART. 3. He is, once at least every day, to examine the state of the rigging, to discover, as soon as possible, any part which may be chafed, or likely to give way, that it may be repaired without loss of time: he is at all times to be very careful that the anchors, booms, and boats be properly secured.

ART. 4. He is to be very particular in having ready at all times, a sufficient number of mats, plats, nippers, points, and gaskets, that no delay may be experienced when they are wanted.

ART. 5. He is to be very attentive in observing, while junk is working up, that every part of it is converted to all such purposes as it can possibly be made applicable to.

ART. 6. He is to be very frequently on deck during the day, and times both by day and night. When any duty shall require all hands to be employed, he is, with his mates, to see that the men go quickly upon deck when called, and that when there, they perform their duty with alacrity, and without noise or confusion.

ART. 7. When the vessel is preparing for battle, he is to be very particular in seeing that every thing necessary for repairing the rigging is in its proper place, that the men stationed for that service may know where to find immediately whatever may be wanted.

ART. 8. When the vessel is ordered to be paid off, he is to be very attentive to prevent any of the rigging being damaged or cut, and he is to see every part of it properly tallied and stopped together, before he returns it in stores.

#### CHAPLAIN.

ART. 1. He is to read prayers at stated periods, perform all funeral ceremonies over such persons as may die in the service in the vessel to which he belongs; or if directed by the commanding officer, over any person that may die in any other public vessel.

ART. 2. He shall perform the duty of schoolmaster, and to that end he shall instruct the midshipmen in writing, arithmetic, and navigation, and in whatsoever may contribute to render them proficient. He is likewise to teach the other youths of the vessel according to such orders as he shall receive from the captain. He is to be diligent in his office.

ART. 3. He shall, when it is required of him, perform the duties of secretary to the commodore.

## MIDSHIPMEN.

ART. 1. No particular duties can be assigned to this class of officers. They are promptly and faithfully to execute all the orders for the public service which they shall receive from the commanding officers.

ART. 2. The commanding officers will consider the midshipmen as a class of officers, meriting in an especial degree their fostering care. They will see, therefore, that the schoolmaster performs his duty towards them, by diligently and faithfully instructing them in those sciences appertaining to their profession, and that he use his utmost care to render them proficient therein.

ART. 3. Midshipmen are to keep regular journals, and deliver them to the commanding officer at the stated periods, in due form.

ART. 4. They are to consider it as a duty they owe to their country, to employ a due portion of their time in the study of naval tactics, and in acquiring a thorough knowledge of all the various duties to be performed on board a man of war.

MARINES SERVING ON BOARD THE VESSELS OF THE  
REPUBLIC OF TEXAS.

ART. 1. The marine detachments appointed to serve on board the vessels of the republic of Texas, are to be entered upon their books as part of the complements for victuals, and with regard to provisions, and short allowance money, they are to be in all respects upon the same footing with the seamen.

ART. 2. All marine officers are to obey the orders of the captain at times both by day and night. When any duty shall require all or commanding officer of the vessel, and also of the commanding officer of the watch: the marine officers are, upon all occasions, to be treated as well by the captain of the vessel as by all other officers and people belonging to her, with the respect, decency, and regard due to the commissions they bear. They are to possess the cabins or berths erected for them.

ART. 3. The marines are to be exercised by the marine officers in the use of their arms as often as possible, that they may become expert in the use thereof. They are to be employed as sentinels, and upon all other duties and service on board of the vessel which they may be capable of, and therein to be subject to the directions of the officers of the vessel; but they are not to be obliged to go aloft, or to be punished for not showing an inclination to do so. And the captain or commanding officer of the vessel is strictly charged not to suffer them to be ill treat-

ed, nor a sergeant or corporal to be struck on any account, by any of the officers, petty officers, or seamen.

ART. 4. No marine, serving on board of any Texian vessels of war, is to be discharged as such, and entered as a seaman, without special authority from the secretary of the navy.

ART. 5. The commanding marine officer is to have in his possession the chests prepared for the arms, and the cartridges for the use of the marines. The arms and drums are to be under his charge, and he is to be accountable for any loss or damage that may happen for want of sufficient care in him; but if any such loss or damage happen by the default of any other person, the marine officer is immediately to acquaint the captain of the vessel therewith, who is to cause the value thereof to be forthwith noted against the defaulter's name, in order to its being deducted from his pay or wages.

ART. 6. The marine arms are to be kept clean and in good order by the marines themselves, so far as they can do the same; but if necessary, the marine officer may apply to the captain for the assistance of one or more armorer's mates, to repair the arms, and the captain in such case will order such assistance to be afforded.

ART. 7. When marines are sent on board of any of the Texian vessels in order to serve at sea, the captain of the vessel is to cause the purser to supply them, upon their coming on board, with a suit of bedding if necessary, and from time to time with such further bedding and slop clothes, &c., as the commanding marine officer may represent them to be in want of; for all which the officer charged with paying the marines shall settle with the purser of the vessel, charging the amount thereof to the accounts of the marines to whom such bedding and slops have been so issued.

ART. 8. The commanding marine officer on board must examine, once a week at least, into the state of the clothing and slops belonging to each marine, and if he finds any loss or abuse, must enquire how it happened; and he is to inform the captain of the vessel of the circumstances, who will apply such correctives as may be necessary to prevent the recurrence of such losses or abuses.

ART. 9. When any marine belonging to the vessel dies, his clothing and effects (except his uniform marine clothing,) are to be sold at the mast, by auction, and the proceeds charged against the names of the buyers: and the marine officer will, by the first opportunity, transmit to the paymaster of the marine

corps, an inventory of the effects so sold, and an account of the money or amount for which they sold, signed by the captain and purser of the vessel, in order that such amount may be paid over to the legal representatives of the deceased.

ART. 10. A store room on board of each vessel to be in the possession of the marine officer, is to be appropriated exclusively for the spare clothing, accoutrements, and all other necessaries for the use of the marines.

ART. 11. Marines, sick or wounded are to be taken the same care of by the surgeon of the vessel, that the seamen are; and when it shall be necessary to send them out of the vessel for cure, they are to be sent on shore to the hospital or sick quarters, and are to be in all respects under the same regulations that are established for the seamen; sick tickets are to be sent with them, similar to those to be sent with seamen. The captain of the vessel and the commanding marine officer on board, are to see that their bedding, clothes, and necessaries are sent along with them, the particulars of which are to be noted at the foot of the sick ticket. The commanding marine officer will see that each man's things be securely bound together and labelled. The proper officer at the hospital, or sick quarters, and the marine officer attending hospital duty (when there shall be any,) are to take care that the same be safely deposited and preserved, till the marines are either discharged, runaway, or die: if discharged they are to be delivered to their respective owners, and in the cases of desertion or death, they are to be disposed of as provided in the case of dead men's clothes on board of vessels.

ART. 12. Marines sent sick on shore, are to be continued upon the books of the vessel from which they shall be sent, unless the proportion of marines allowed the vessel be completed during their sickness; and in the latter case they are, when recovered, to be turned over to some other vessel wanting marines, or to be sent to the nearest marine station. So soon as the number allowed the vessel be completed, all marines sent sick on shore are to be discharged from the ship's books, as the vessel must never be charged with more than the complement of marines allowed her.

ART. 13. When a marine is returned on ship board from a hospital or sick quarters, the captain of the vessel is to take care that there be charged against his name the value of any clothing he may have been supplied with at the hospital, which

the hospital surgeon is to set off upon the ticket of discharge from the hospital.

ART. 14. The rations issued to the marines must be charged by the purser to the subsistence of marine corps, in order that the subsistence of the navy may have credit therefor in the settlement of his account.

ART. 15. Marines are to be paid by the purser of the vessel while they are on board, and charged the same as the vessel's crew. Pay rolls signed by the purser, and countersigned by the marine officer, are to be regularly transmitted to the auditor of the treasury.

#### NAVY AGENTS.

ART. 1. The navy agent being the person appointed to purchase supplies for the service of the navy, pay bills, and sell off all surplus or useless stores, is required to observe and abide by the following regulations, stipulations, and instructions, as well as such instructions of other officers detailed in this volume, as have a bearing upon the duties assigned to him; and he is not to expect that any irregularity or omission in the filling up of the several forms referred to herein, for the keeping of his accounts, will pass unnoticed.

ART. 2. All supplies for vessels repairing at the navy yard, or in ordinary, are to be furnished by the agents on the requisition of the commander.

ART. 3. Stores, provisions, and supplies of every description, purchased by an agent for the naval service of Texas, are to be obtained at the lowest rates, and of the best quality; and upon the presentation of his accounts at the treasury department, he must produce such account attested by the signature of the commanding officer, in proof of accuracy. He must also produce, at the same time, the different requisitions which were made upon him for supplies, signed and countersigned, in proof of his authority for purchases: and lastly, he must exhibit the receipts of the respective officers to whom the supplies were delivered. Without each and every of these documents, his accounts shall not be settled, nor shall he receive a credit for any account not vouched as above required.

ART. 4. All articles sent on board public vessels, by an agent, are to be delivered to the commanding officer, or such person as he may authorize to receive them, otherwise their delivery shall be at the risk of the agent.

ART. 5. Provisions and stores, purchased by an agent, are

to be surveyed when received on board; and if it appears by the report of the surveying officer, that they are unfit for the service, they are to be returned to the agent, and, on settlement, the captain is to refuse to admit them in the account against the vessel, and to transmit to the secretary of the navy a duplicate of the report of survey, accompanied by such remarks as the case may make necessary.

ART. 6. Every cask and package of provisions or supplies, (bread excepted,) wet or dry, must be numbered, and have the contents thereof distinctly marked on it, as to quantity and kind, as well as the time when, place where, and by whom purchased or furnished. The casks are to be marked on the head, and the packages on some proper and conspicuous part of them.

ART. 7. Every navy agent must forward his accounts with the necessary vouchers for settlement, to the auditor of the treasury, quarterly, to wit: On the first days of January, April, July, and October; in which must be distinctly stated the moneys expended, and articles furnished for each vessel, and for other purposes. He will also be required to exhibit an account of the articles purchased and remaining in his possession, of those delivered over for sale; a statement of the sales of old or unserviceable articles, and a particular account of the moneys unexpended, and remaining in his hands.

ART. 8. No moneys are to be paid over by an agent, nor purchases, or sales made, nor any expenses incurred, except with the knowledge and sanction of the commanding officer of the squadron, or under particular instructions from the secretary of the navy.

ART. 9. Every agent who shall, for two successive quarters, neglect to send in his accounts for settlement, as required, unless specially exempted by the secretary of the navy, shall, from thenceforward, not be allowed any of the emoluments appertaining to the office he holds; and if he neglects for three successive quarters to send them in, his powers as agent shall totally cease, and his commission be null and void.

ART. 10. Agents shall not be concerned directly or indirectly in any supplies which it may be their duty to furnish the navy; and if it shall be found that they have participated in the profits of any such supplies, they shall be dismissed from their offices, and will be prosecuted to the amount of their bonds.

ART. 11. Navy agents shall not advance money to pursers or other officers of a vessel, when destined on service, unless by

and with the previous sanction of the secretary of the navy, by whom the amount shall be limited.

ART. 12. Navy agents shall transmit quarterly to the secretary of the navy, viz: On the first days of January, April, July, and October, of each year, a statement of all purchases turned into stores, accompanied by the store keeper's receipt for the same.

### CAPTIVES AND PRIZE MONEY.

ART. 1. And be it further enacted, That all pay and emoluments of such officers and men of any of the vessels of the republic of Texas taken by an enemy, who shall appear, by the sentence of a court martial, or otherwise, to have done their utmost to preserve and defend their vessel, and after the taking thereof, have behaved themselves obediently to their superiors, agreeably to the discipline of the navy, shall go on and be paid them, until their death, their exchange, or discharge.

ART. 2. And be it further enacted, That the proceeds of all the vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel making the capture, be the sole property of the captors; and when of inferior force, shall be divided equally between the government of Texas, and the officers and men making the capture.

ART. 3. And be it enacted, That the prize money belonging to the officers and men shall be distributed in the following manner:

1st. To the commanding officers of a squadron, or a single vessel, three twentieths, of which the commanding officer of the squadron shall have one twentieth, if the prize be taken by a vessel under his command; and the commander of a single vessel two twentieths; but when a prize is taken by a vessel acting independently of such superior officer, the three twentieths shall belong to the commander.

2d. To sea lieutenants, captains of marines, and sailing masters, two twentieths; but when there is a captain, without a lieutenant of marines, these officers shall be entitled to two twentieths and one third of a twentieth, which third, in such cases shall be deducted from the share of the officers mentioned in article number 3 of this section.

3d. To chaplains, lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, and masters' mates, two twentieths.

4th. To midshipmen, surgeon's mates, captain's clerk, school-master, boatswain's mates, gunner's mates, carpenter's mates, ship's stewards, sail makers, master-at-arms, armorers, cockswains and coopers, three twentieths and a half.

5th. To gunner's yeoman, boatswain's yeoman, quartermasters, quarter gunners, sail maker's mates, sergeants and corporals of marines, drummers, fifiers, and extra petty officers, two twentieths and a half.

6th. To seamen, ordinary seamen, marines, and all other persons doing duty on board, seven twentieths.

7th. Whenever one or more public vessels are in sight, at the time any one or more vessels are taking a prize or prizes, they shall all share equally in the prize or prizes, according to the number of men and guns on board each vessel in sight.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 15, 1836.

SAM. HOUSTON.

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AN ACT,

To incorporate the Texas Rail Road, Navigation, and Banking Company.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That Messrs. Branch T. Archer, James Collinsworth, and their present and future associates, successors, and assigns, be, and they are hereby ordained, constituted, and declared to be, from and immediately after the passage of this act, a body corporate and politic, in fact and in name, by the style and title of the "Texas Rail-Road, Navigation, and Banking Company;" and by that name, they and their successors, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the same name and style, shall be in law capable of holding, purchasing, and conveying any estate, real, personal, or mixed, for the use of the

said corporation, and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter, as hereinafter enacted, or to the constitution of this republic.

SEC. 2. Be it further enacted, That the said company shall have banking privileges, with a capital stock of five millions of dollars, as well as the right of connecting the waters of the Rio Grande and the Sabine, by means of internal navigation and rail-roads, from and to such particular points of connection as may be agreed upon and selected by said company, with a privilege also of constructing such branches, either by canals or rail-roads, to connect with the main line above named, as may be agreed upon and determined by said company.

SEC. 3. Be it further enacted, That the capital stock of said company, shall be five millions of dollars, and be divided into fifty thousand shares, of one hundred dollars each; and that Messrs. Branch T. Archer, James Collinsworth, and their present associates, be, and are hereby appointed directors of said company; and whose duty it shall be to do and perform all the business incumbent upon them as such, necessary to the successful operation of said bank, and the completion of said works; and the same shall continue in office until their successors shall be duly elected and qualified.

SEC. 4. Be it further enacted, That the aforesaid directors, their successors or assigns, shall have full power to borrow money upon the faith of this charter, and also to pledge such property, real or personal, of their own, for the payment of the same, as in their wisdom may best conduce to the interest of said corporation; and also to do and perform, as directors of said bank, every thing necessary and proper in carrying it into complete operation; which said bank shall not go into operation until it has a specie capital of one million of dollars paid in: and it shall not be lawful for said bank to charge more, upon any paper, bond, or note by it discounted, than ten per cent. per annum; but shall have the privilege of buying and selling bills of exchange, at such rates as the market may afford for the time being; and that the said directors shall have full power to enact such by-laws, rules, and regulations, for the government of said bank, and the works therewith connected, as they may deem necessary for the use and protection of the same, and for the election of directors and all other matters.

SEC. 5. Be it further enacted, That upon the going into operation of said bank, said company shall pay over to the trea-

surer of Texas a bonus, in gold or silver, as shall be required, the sum of twenty-five thousand dollars, and also two and one-half per cent. per annum, upon the nett profits arising from the tolls, fees, and charges, of such canals and rail-roads as may be constructed, so long as such charter shall continue; and also the said government or republic of Texas, shall have a free privilege of transporting all soldiers, provisions, ammunicions, and munitions of war, and also all transports and ships of war, free of tolls or other charges.

SEC. 6. Be it further enacted, That said charter shall continue in full force and virtue, for and during the period of forty-nine years from the passage of this act, at the end of which time the said company shall have the privilege of renewing the same for a like period, by paying to the government five hundred thousand dollars in gold or silver, and by further paying thereafter of five per cent. per annum, upon the nett profits arising upon all tolls, fees, and charges of said works.

SEC. 7. Be it further enacted, That so soon as said bank shall go into operation, it shall be the duty of said company to commence said improvements, and complete the same as soon thereafter as the means of said company will permit.

SEC. 8. Be it further enacted, That if, at any time from and after the passage of this act, in the opinion of the company, the commercial wants of the country, and the welfare of the company shall require it, said capital stock may be increased to the sum of ten millions of dollars, by paying over to the government or state of Texas, at that time, a further bonus of one hundred thousand dollars: provided, in no instance shall said company discount more than three dollars to one upon the capital paid in: and provided furthermore, that upon failure of said bank to redeem promptly its issues in gold or silver, upon presentation, such of its bills as should be protested for non-payment according to law, shall, from the date of such protest, bear an interest of ten per cent. per annum, until paid, and for the payment of which, all the chartered property of said company shall be held responsible.

SEC. 9. Be it further enacted, That any person or persons who may own lands through which said company shall wish to run said rail-roads or canals, and shall refuse to allow the same, said company may, by applying to the county court of the county in which said land may be situated, for a writ of ad quod damnum, directing the sheriff of said county to summon a jury of six freeholders, who shall assess the damage which said road or canal

may cause, and award the same to the owner or owners of said lands, and upon the payment, by the company, either to the sheriff of said county, or to the party so refusing, such award, together with the sum of two dollars per day for each of the jurymen, for each and every day so employed, and ten dollars to the sheriff, shall thereby have a good and bona fide title to such land, stone, timber, or other building materials, as shall be awarded; and should the said company wish to occupy any portion of the public lands, by their improvements, they shall have the right to take possession of, any pay to the government the minimum price of such lands, provided however, that said company shall not be permitted to occupy more than one half mile of such public land from their works, on either side.

SEC. 10. Be it further enacted, That if any person or persons whatsoever, shall wilfully, by any means whatever, injure, molest, or destroy any part of the roads or canals constructed by said company under this act, or any of their works, buildings, fixtures, or machines, or other property, such person or persons so offending shall, each of them, be liable for all damage occasioned thereby; and at any time within twelve months after such offence shall have been committed, and upon conviction, be punished by a fine not exceeding ten thousand dollars, or imprisonment not exceeding twelve months, or both, at the discretion of the court.

SEC. 11. Be it further enacted, That the said company shall have the power to locate the bank at such place as they may think proper, and to establish as many branches thereof as they may think the necessities of the community require.

SEC. 12. Be it further enacted, That the executive shall annually appoint a government commissioner, whose business it shall be to examine into the circumstances of said corporation, and report thereon, whether the government bonus has been properly made out and paid over to the proper officer of the government, to receive the same. The pay of said commissioner, to be hereafter determined by some future congress, to be paid by said institution.

SEC. 13. Be it further enacted, That in the event the first named bonus of twenty-five thousand dollars, shall not be paid within eighteen months from and after the passage of this act, the said charter shall be forfeited, and forever thereafter be null and void.

SEC. 14. And be it further enacted, That said company shall not issue any note for a smaller sum than five dollars, neither

shall they establish more than two branches without the consent of some future congress, and that they shall pay one per cent. upon the dividends of said Bank for the use of the republic.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 16, 1836.

SAM. HOUSTON.

### JOINT RESOLUTION,

For the relief of John Ricord.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the secretary of the treasury be, and he is hereby authorized and required to pay John Ricord, out of any moneys in the treasury not otherwise appropriated, at the rate of fifteen hundred dollars per annum for the time he acted as private secretary to the president "ad interim," and also for the time he has acted as such to the present incumbent.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 17, 1836.

SAM. HOUSTON.

### JOINT RESOLUTION,

For the relief of Thomas J. Green.

Be it resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the president be, and he is hereby authorized to pay to Thomas J. Green or order, out of the first means in the treasury, or any agency of Texas, the sum of twenty-four thousand one hundred and fifty-four dollars and four cents, say \$24,154 04, together with the damages and cost of protest for and on account of this government: provided,

he, the said Thomas J. Green, shall file with the executive the account of the same, reported to this congress receipted in full.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 17, 1836.

SAM. HOUSTON.

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JOINT RESOLUTION,

Requiring the Chief Justices of the County Courts to give information to the Secretary of State, concerning the boundaries of their respective counties.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the chief justices of the several county courts of this republic be, and they are hereby required to furnish the secretary of state with a description of their county boundaries, and such other information and observations relative to the same, as they may conceive conducive to the convenience of their citizens, and said information is required to be furnished by the first day of May next.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 17, 1836.

SAM. HOUSTON.

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AN ACT,

To define the Boundaries of the Republic of Texas.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, the civil and political jurisdiction of this republic be, and is hereby declared to extend to the following boundaries, to wit: beginning at the mouth of the Sabine river, and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to the forty-second degree of north latitude, thence along the

boundary line as defined in the treaty between the United States and Spain, to the beginning: and that the president be, and is hereby authorized and required to open a negotiation with the government of the United States of America, so soon as in his opinion the public interest requires it, to ascertain and define the boundary line as agreed upon in said treaty.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 19, 1836.

SAM. HOUSTON.

### AN ACT

Authorizing the Printing and Publishing the Laws of the Provisional Government, the Acts of the Convention of March last, and the present Congress.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That the president be, and he is hereby authorized and required to cause to be printed in pamphlet form, as soon as practicable, two thousand five hundred copies of the laws and resolutions of the provisional government, together with the constitution, ordinances and resolutions of the convention of March last, and the acts, and two hundred and fifty copies of the journals of the present congress: and that he furnish each judge, justice of the peace, sheriff, clerks of the different courts, and members of congress, with a copy as soon as practicable.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 19, 1836.

SAM. HOUSTON.

### JOINT RESOLUTION,

Making specific Appropriations.

SEC. 1. Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the proceeds

of the land scrip, and the sale of a league and labor of land on the east end of Galveston Island, which have or may come into the hands of our agent, David White of Mobile, be, and are hereby exclusively appropriated for the purpose of furnishing our army with supplies of clothing, provisions, and munitions of war: provided that the appropriations made by this resolution shall not be so construed as to affect any previous appropriations made by this congress out of said funds.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 19, 1836.

SAM. HOUSTON.

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AN ACT,

Establishing Fees of Office.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That it shall be lawful for the clerks of the supreme court, clerks of the district courts, clerks of the county courts, clerks of the courts of probate, county recorders, judges of probate, justices of the peace, attorneys and counsellors at law, attorney general, notaries public, sheriffs, coroners, constables, and chief justices of the county courts respectively, to demand and receive the several fees hereinafter mentioned, for any business by them respectively done by virtue of their several offices, and no more; that is to say:—

TO THE CLERKS OF THE SUPREME COURT,

For entering the appearance of either party in person or by attorney, fifty cents; for every rule entered on rule docket, fifty cents; for copy of every rule, seventy-five cents; for entering every continuance, one dollar; for administering an oath or affirmation, twenty-five cents; for docketing cause, to be charged but once, seventy-five cents; for entering every judgment, two dollars; for entering every decree, two dollars; for filing the record upon a writ of error, certiorari, or supersedeas, seventy-five cents; for taxing costs in any suit or action and copy thereof, one dollar; for every order in court, seventy-five cents; for a search for any thing above a year's standing and reading if re-

quired, fifty cents; for all copies required to be made, for every hundred words, twenty-five cents; for every service not herein mentioned, the same fees allowed the clerks of the district court for similar services; and there shall be allowed by the supreme court to their clerk, reasonable office rent, stationary, and tables, to be paid out of the treasury of the republic, on the order of the court.

TO THE CLERKS OF THE DISTRICT COURTS,

For each writ, with copy of petition, two dollars; for docketing each cause, to be charged but once, twenty-five cents; for filing each bond, declaration, plea, or other pleading or paper, twelve and a half cents; for entering each appearance, twenty-five cents; for entering each motion, rule, or order, thirty-seven and a half cents; for declaration in ejection, three dollars; for entering each non-suit, discontinuance, or nolle prosequi, seventy-five cents; for order and copy of rule of reference, one dollar; for swearing each witness, twelve and a half cents; for entering each continuance, thirty-seven and a half cents; for venire facias, in every cause tried by jury, fifty-five cents; for scire facias, (except against jurors when excused,) two dollars; for swearing and empannelling every jury, fifty cents; for receiving and entering verdict, fifty cents; for entering each judgment, seventy-five cents; for each subpoena, for one witness, fifty cents; for every additional name inserted, twenty-five cents; for entering surrender of principal by his bail, fifty cents; for commission to take depositions, one dollar; for copy of interrogatories to accompany said commission, for every hundred words, twenty cents; for taking a recognizance, seventy-five cents; for each execution, one dollar; for taxing costs in each cause and copy of same, seventy-five cents; for making a complete record of any cause after final judgment, for every hundred words, twenty-five cents; for each bail, price seventy-five cents; for each certificate without seal, twenty-five cents; for each certificate with seal of office, fifty cents; for entering finding of indictment or filing information, fifty cents; for arraigning prisoner and entering plea, one dollar and fifty cents; for all copies, other than herein mentioned, for every hundred words, twenty cents; for all services not herein provided for, such sum as the court shall direct; and there shall be allowed reasonable office rents, stationary, cases and tables, by the court, to be paid on the order of the court, out of the county treasury.

TO THE CLERKS OF THE COUNTY COURTS.

For like services by them performed, the same fees as are by law allowed to the clerks of the district courts.

TO THE CLERKS OF THE PROBATE COURTS.

For recording the probate of any will or testament, and for letters testamentary thereon, two dollars; for recording a will, testament, codicil, an inventory, appraisement for executors', administrators', collectors', or guardians' accounts, or any other papers than herein otherwise provided for, for every hundred words, twenty cents; for taking bond and administering oath to executors, administrators, collectors, or guardians, and recording the same, two dollars; for letters of administration, collection, or guardianship, and copy of order granting the same, two dollars; for all orders and copies not herein otherwise provided for, for every hundred words, twenty cents.

TO THE COUNTY RECORDERS.

For the oath of a witness or the acknowledgement of the party to the signature of any writing, and making certificate of the same, fifty cents; for all recording, and all copies from his office, for every hundred words, twenty cents.

TO JUDGES OF PROBATE.

For taking the probate of any will or testament, two dollars; for examining, stating, and reporting each account of executors, administrators, collectors, or guardians, one-half per cent. commission on the amount of such account; for appointing an administrator, collector, or guardian and appraiser, two dollars; for each order for the partition of real estate among heirs or devisees, one dollar; for each order for the appointment of commissioners on the representation of an estate being insolvent, one dollar; for apportionment of an insolvent's estate among creditors, five dollars.

TO JUSTICES OF THE PEACE.

For each warrant in civil cases, with copy of petition, one dollar; for each warrant in criminal cases, one dollar; for each judgment, seventy-five cents; for each mittimus or recognizance, seventy-five cents; for each subpoena for witnesses, twenty-five cents; for each execution, one dollar; for each attachment, including bond and affidavit, two dollars; for each appeal, with

the proceedings, bond, and certificate, two dollars; for each oath or affidavit, twelve and a half cents; for each certificate, twenty-five cents; for taxing costs on any execution, twenty-five cents; for each transcript of his record, for every hundred words, twenty cents; for all writing required of him by virtue of his office, not herein otherwise provided for, for every hundred words, twenty cents.

TO ATTORNEYS AND COUNSELLORS AT LAW,

For prosecuting or defending a suit in supreme court, twenty-five dollars; for like services in a district court, ten dollars; for like services in a county court, five dollars; for prosecuting or defending a real or mixed action, in supreme or district courts, thirty dollars; for each appeal from the decision of a justice of the peace to the county court, five dollars.

TO THE ATTORNEY GENERAL OR DISTRICT ATTORNEYS,

(For the use of the republic of Texas,) for every criminal prosecution by indictment, in cases of felony, where the offender is convicted, fifty dollars; for every prosecution for misdemeanors, where the offender is convicted, ten dollars; for every action by original writ in behalf of the republic, for the recovery of a pecuniary penalty, where the defendant is convicted, ten dollars.

TO NOTARIES PUBLIC,

For protesting any bill, registering and seal, two dollars; for attesting letters of attorney and seal, one dollar; for notarial affidavit to an account or other writing and seal, fifty cents; for registering a foreign bill, protested with certificates, two dollars; for registering a protest of a bill of exchange or note for non-payment or non-acceptance, one dollar; for each oath or affirmation, with seal, fifty cents; for all other notarial acts not otherwise provided for, with seal, one dollar.

TO SHERIFFS,

For levying an attachment on the estate of an absent or absconding debtor, two dollars; for serving each writ not herein otherwise provided for, two dollars; for levying execution, two dollars; for making money on execution, for the first hundred dollars, five per cent.; for all sums over one hundred and not exceeding two hundred dollars, four per cent.; and for all sums above two hundred dollars, two and a half per cent.; for returning execution, seventy-five cents; for serving defendant with copy of writ, fifty cents; for each bail, bond, or recognizance, and assignment thereof, one dollar; for summoning each witness, fifty

cents; for executing a writ of possession and return, two dollars; for making a deed to purchasers of real estate, three dollars; for attending prisoner on habeas corpus, each day, three dollars; for each commitment or release, one dollar; for serving a declaration in ejectment, and copy thereof, two dollars; for taking a bond of any kind, fifty cents; for executing a death warrant, twenty-five dollars; for removing a prisoner, for every mile, going and returning, twelve and a half cents; for every day's attendance with such prisoner on the judge, in vacation, three dollars; for empannelling a jury, in each cause, where a jury is sworn, fifty cents; for whipping a free person by order of court, two dollars; for whipping a slave by order of court, one dollar; for branding by order of court, three dollars; for serving scire facias on each defendant, seventy-five cents; for serving an attachment for contempt, and returning same, one dollar and twenty-five cents; for executing venire facias, to be taxed in each cause tried, fifty cents; for summoning a special jury, three dollars; for serving every person with a summons, not herein provided for, fifty cents; where property attached is sold, the same commissions as for selling under execution; for empannelling grand juries, advertising and attending elections, serving all public orders of all courts in the county, and for all other public services not otherwise particularly provided for, a sum not exceeding fifty dollars, to be allowed by the district court, and paid out of the county treasury.

## TO CORONERS,

For taking an inquisition on a dead body, ten dollars; for all services done by them, the same fees as are allowed to sheriffs for similar services.

## TO CONSTABLES,

For serving each warrant or summons, one dollar; for summoning each witness, fifty cents; for executing a mittimus in criminal cases, one dollar; for serving an attachment, one dollar and fifty cents; for taking bonds, when necessary, seventy-five cents; for levying execution, one dollar; for making money on execution, for all sums not exceeding twenty dollars, one dollar; for all sums over twenty and not exceeding one hundred dollars, five per cent.; for summoning coroner's inquest, to be paid by the county, three dollars; for conveying a criminal to jail, for every mile going and returning, twelve and a half cents; for each day's attendance on courts, when summoned by the sheriff, to be paid out of the county treasury, two dollars.

## TO THE CHIEF JUSTICE OF THE COUNTY COURTS,

For each suit commenced in said court, one dollar, to be taxed in the bill of costs, and paid by the party cast.

SEC. 2d. The fees herein before mentioned shall be taxed and allowed in the bill of costs, in all suits or actions, where the services, respectively, shall have been rendered; but not more than one copy of any matter shall be allowed in the bill of costs, neither shall the clerk tax more than one attorney's fee in the bill of costs; and if any party, or their attorney, shall take out copies of their own declarations or pleadings, or of their own papers, in any cause, or of any common order made in such cause, the charge of such copies shall not be allowed in the bill of costs.

SEC. 3d. Every clerk and sheriff shall keep a fee book, and shall enter therein every fee for each and every distinct service; and said fee book shall be at all times open for the inspection of any person wishing to see the account of fees charged against him therein; none of the fees herein before mentioned shall be payable until there be produced, or ready to be produced, a bill in writing, containing the particulars of such fees, signed by the proper officer.

SEC. 4th. It shall be lawful for the clerks of the several courts of this republic, when suits or causes are determined, and the fees not paid by the party from whom they are due, to make out executions, directed to the sheriff or other proper officer of the county, where the party resides, and the sheriff or other proper officer shall execute and return such executions as in other cases, provided that a copy of the bill of costs is annexed to such executions.

SEC. 5th. The clerks of each and every district shall, before issuing any original process to bring any person to any suit or action, demand and receive of the plaintiff in such suit or action, a tax of three dollars on all such process; and the clerks of the county courts shall, in like manner, demand and receive one dollar, on all such process issuing out of any county court; which tax, so collected, shall be paid into the county treasury of the proper county. Any clerk who shall fail or neglect to demand and receive the tax aforesaid, shall be held responsible for said tax, in the same manner as if he had actually received the same; and in every case wherein the plaintiff shall recover, the said tax shall be included in the bill of costs; and any officer herein named, who shall charge and receive a greater fee than is herein

allowed, shall, upon conviction thereof, before any court of this republic, forfeit and pay a fine of one hundred dollars, and be deprived of his office.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 19, 1836.

SAM. HOUSTON.

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AN ACT,

Organizing Justices' Courts, and defining the powers and jurisdiction of the same, and also creating and defining the office and powers of commissioners of roads and revenue.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be elected, by the qualified electors of each militia captain's district, two justices of the peace for their respective districts, who shall be commissioned by the president, and shall hold their offices for a period of two years, and shall take the oath prescribed by law for all officers of this republic. It shall be lawful for the said justices so elected, after taking the oath of office, to enter immediately upon the discharge of their duties; and their acts shall be as valid in law, before they receive commissions from the president, as afterwards.

SEC. 2. In all cases where any person has been elected justice of the peace, and neglects to qualify himself within twenty days, after notice of such election, the election shall be deemed void, and the chief justice of the county court shall order a new election.

SEC. 3. Any justice of the peace who shall be guilty of any malconduct or misdemeanor in office, may be prosecuted by presentment of a grand jury, in the district court of the proper county, and on conviction thereof shall vacate his office, and be thereafter rendered incapable of holding the office of justice of the peace in this republic.

SEC. 4. The justices of the peace shall be conservators of the peace within their respective counties, and shall have power to take all manner of recognizance, with or without security, for good behaviour to keep the peace, or for appearance at the proper court, to answer charges exhibited, or crimes committed in

the view of such justices; and in case any person shall refuse to enter into recognizance as aforesaid, and to find security when required, it shall be lawful for justices of the peace to commit the person so refusing to the county jail, there to remain until he shall comply with the order of such justice; and all recognizance so taken, shall be certified to the proper court for the county, at the next term thereafter; and if any person shall forfeit his recognizance, it shall be sent and certified with the record of default or cause of forfeiture, by the justice, to the proper court without delay.

SEC. 5. Any justice of the peace shall, by warrant under his hand, cause any person charged on oath of having committed or being suspected of any crime or misdemeanor, to be apprehended and brought before him; and if, in the opinion of such justice, there is sufficient cause to commit such person to the county jail, where such offence is not bailable, or where the offender is unable or unwilling to give bail, to appear before the proper court, to answer to the crime charged.

SEC. 6. Any justice of the peace shall issue a search warrant for stolen goods, on the oath of any credible person, particularly describing the place or persons suspected and intended to be searched, and the article for which search is made.

SEC. 7. When any person charged with a crime shall be brought before any justice, he shall take the voluntary information of the accused in writing, and the information on oath of all witnesses that appear, concerning the crime alleged to have been committed; and the accused shall have the privilege of putting any questions he thinks proper, which questions and answers shall be written down. It shall be the duty of the justice to transmit a copy of all such examinations to the next succeeding term of the proper court.

SEC. 8. If any person, charged with a criminal offence, shall remove or escape from the county where such offence is alleged to have been committed, into another county, it shall be the duty of any justice of the peace for the county where such person may be, to endorse the warrant of any justice of the peace where the offence was committed, which shall be sufficient authority for arresting such offender, in any place within the jurisdiction of such justice; and such criminal shall be carried to the county where the offence was committed, for examination. Subpoenas for witnesses may issue to any county, on the part of the republic, where it is necessary for bringing an offender to justice, which shall be executed by any officer authorized to exe-

cute process in the county where such witness resides; and any justice of the peace of the county to which any offender may have removed or escaped, shall, on the oath of any credible person, arrest and have conveyed to the proper county for examination, any person charged with crime.

SEC. 9. Justices of the peace shall have jurisdiction for all suits and actions for the recovery of money on any account, bond, bill, promissory note, or other written contract, covenant, or agreement whatsoever, or for specific articles, where the sum demanded does not exceed one hundred dollars.

SEC. 10. All suits and actions before a justice of the peace, shall be commenced and executed and returned in the same manner, and under the same penalties, as provided by the ninth section of the "act establishing the jurisdiction and powers of the district court," so far as is consistent with this act.

SEC. 11. All process from a justice of the peace, in civil suits, shall be under the hand and seal of such justice, directed to the officer whose duty it shall be to execute the same, shall be returnable at a certain time and place therein named, not less than ten, nor more than thirty days from the time of issuing the same; and on return thereof, the justice shall proceed to hear and determine the case on its merits, if the parties appear; give judgment by default, if the defendant fail to appear and contest the plaintiff's demand, or enter judgment of "non suit" against the plaintiff if he fail to appear and prosecute his claim, and shall issue execution against the goods and chattels of the party against whom judgment is so entered, for the amount of judgment and cost, or costs alone, as the case may require, returnable at the time and place to be therein stated, not less than fifteen nor more than thirty days. Any justice may, for good cause shown, on oath or affirmation, adjourn the trial of any cause to a time not exceeding ten days.

SEC. 12. No person shall be sued before any justice of the peace, except within the district where he resides, or the district where the debt was contracted, if in the same county.

SEC. 13. On the trial of any cause before a justice of the peace, if other satisfactory evidence cannot be had concerning the matter in controversy, the justices shall proceed to examine the parties or either of them, on oath, and give such judgment as may appear to be just and equitable.

SEC. 14. Every justice of the peace shall make a fair record, in a book that he shall keep for that purpose, of the proceedings in all suits and examinations had before him.

SEC. 15. Any justice of the peace, before whom any case is pending, shall issue subpoenas for all witnesses required by either party residing within the county; and in case any witness required resides without the county, may, provided reasonable and sufficient notice has been given to the adverse party, of the time and place of taking the depositions of such witness, issue a commission to some justice of the county in which such witness resides, to take his or her deposition; which deposition, so taken and returned, shall be read in evidence; and the provisions respecting witnesses of the "act establishing the jurisdiction and powers of the district courts," shall apply in all cases before a justice of the peace, so far as they are not inconsistent with this act.

SEC. 16. Any justice of the peace may grant a stay of execution issued by himself, for all sums under twenty dollars, twenty days; and over twenty dollars and under fifty dollars, forty days; all sums over fifty dollars, sixty days; provided the defendant shall enter into bond, with security, to be approved by the justice, in the penalty of double the amount of the judgment, including interest and costs, conditioned for the payment of the same; and in case the money is not paid at the end of such stay, execution shall issue against the principal and security for the judgment, with interest and all costs. All judgments rendered by any justice of the peace, shall bear legal interest until paid.

SEC. 17. Any party may appeal from the decision of any justice, to the next term of the county court for the county, where the sum in controversy shall exceed twenty dollars; and the case shall be tried de novo, on giving bond with security, to be approved by the justice, payable to the adverse party, conditioned for the prosecution of such appeal to effect; and the payment of such judgment, with the interest, and all costs and damages, in case the same shall be affirmed; and if the defendant be the party who appeals, and judgment be rendered for the plaintiff in the original suit, ten per cent. damages upon the amount shall be included in such judgment. If the judgment of the county court be for the defendant in the original suit, he shall recover full costs.

SEC. 18. Every justice of the peace, from whose decision an appeal is taken, shall, on or before the next term of the county court, file with the clerk thereof, a certified copy of all the proceedings in such case.

SEC. 19. In cases of emergency, justices of the peace may

depute any reputable person to execute any process issued by them.

SEC. 20. All fines and penalties assessed by virtue of this act, shall be paid into the county treasury of the proper county.

SEC. 21. It shall be the duty of every justice of the peace in this republic, on the first Monday of January in every year, to make a return to the county treasurer of his county, of all fines and penalties which he shall have assessed during the twelve months preceding, and to pay so much thereof as he shall have collected; and any justice who shall fail to make such return, and pay over the money by him received as aforesaid, shall be deemed guilty of a misdemeanor in office, and on conviction thereof, shall be removed in the manner prescribed in this act.

SEC. 22. When from any cause a justice of the peace shall vacate his office, all the books, records, and papers appertaining to his office, shall be transferred to the next justice of the same district, who shall complete the business of such justice, in the same manner as if originally commenced by himself.

SEC. 23. Be it further enacted, That in all cases where the defendant appears, he shall plead, in offset, all debts known to be due him by the plaintiff; and the justice shall render judgment for such sum as may appear to be due, either to the plaintiff or the defendant, as the evidence may require; and in case of a failure of any defendant or defendants so to plead his debt or demand, in offset, the said debt or demand shall not be recoverable thereafter: provided, however, that in all cases the said party may sue for and recover the same so due him, if he can show good and satisfactory cause why he did not plead such due or demand in compensation on the day of trial.

SEC. 24. No justice shall sit in judgment in any suit in which he may be interested, or where he may be related in the third degree to either plaintiff or defendant; and in all such cases the suit shall be tried by the justice of the precinct not so interested or related; and in case both of said justices shall be so interested or related, then, and in that case, the suit shall be tried and determined by the justices nearest adjoining, not so interested or related; and for the further government of the justices' court, the rules prescribed in an act establishing the jurisdiction and powers of the district courts, shall apply in all cases, when they are not inconsistent with this act.

SEC. 25. County commissioners, the justices of the peace, and the chief justice of the county court, shall constitute a board

of commissioners for their respective counties; which board shall have the entire superintendence and control of roads, highways, ferries, and bridges, and of the poor within said counties.

SEC. 26. The said board of commissioners shall meet at the court house of their respective counties, in the months of January, April, July, and October, of each year, on such days as shall be designated by the president of the board; and when so assembled, shall have authority to establish ferries, determine the tolls of the same, to order the laying out of roads where necessary, direct where bridges shall be built, and contract for building the same, at the expense of the county; to discontinue all roads now or hereafter made, that are deemed useless; and to alter roads so as to make them more useful.

SEC. 27. The chief justice of the county court shall be ex-officio president of the board, and shall cause a record to be made of the proceedings of the board, which record shall be made by the clerk of the county court. In the absence of the president of the board, a president pro tempore shall be chosen.

SEC. 28. A majority of justices shall be necessary to constitute a board; and if any justice fail to attend the meetings of said board, he shall forfeit and pay a fine to the county treasury of not less than twenty-five nor more than fifty dollars, recoverable before any justice of the peace of the county, unless in the opinion of said board, he shall render a reasonable excuse.

SEC. 29. It shall be the duty of said board of commissioners to provide, at the expense of the county, for the support of indigent, lame, and blind persons, who are unable to support themselves.

SEC. 30. The said board of commissioners shall, in the month of January of each year, levy a tax, which shall be sufficient to discharge the demands on their respective counties, upon the same persons and property as are subject to a state tax, which shall be assessed and collected by the same officers, and in the same manner that taxes due to the republic are collected, and shall be paid into the hands of the county treasurer at the same time, and under the same regulations and restrictions as may be provided by law for the due collection and payment of taxes levied by the republic.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 20, 1836.

SAM. HOUSTON.

AN ACT,

To raise a Revenue by Impost duties.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be, and there is hereby imposed, assessed and levied, upon all articles which may be imported into this republic from and after the first day of June next, the following duties, to wit: Upon all wines and spirituous and malt liquors, an ad valorem duty upon invoice cost of forty-five per centum: upon all silk goods, and manufactures of every description made of silk, an ad valorem duty of fifty per cent.: upon all sugar and coffee, two and a half per cent.: upon teas, twenty-five per cent. per pound: upon bread stuffs, one per cent.: upon iron and castings, ten per cent.: upon all coarse clothing, coarse shirtings, coarse shoes, and brogans, blankets, kersies, satinets, and clothes formed of a mixture of cotton and wool, ten per cent.: upon all other goods, wares, and merchandise, not herein specially enumerated, an ad valorem duty of twenty per cent. upon the invoice cost.

SEC. 2. Be it further enacted, That there shall be assessed, levied, and collected, upon all vessels of the burthen of ten tons and upwards, arriving in any port in Texas from a foreign port, the sum of twenty-five cents per ton.

SEC. 3. Be it further enacted, That it shall be the duty of the president, by and with the advice and consent of the senate, to appoint for each and every district, such revenue officers as may be necessary and proper, for the collection of the revenue, each of whom shall take an oath of office before entering upon his duties, and for the punctual paying over to the proper authorities, all such moneys as may be by them respectively collected.

SEC. 4. Be it further enacted, That it shall be the duty of the several collectors, to receive the orders of the auditor upon the treasury of the republic, when offered by importers in payment of duties at the time of importation; but should the duties not be promptly paid in this manner, the collectors shall retain possession of all merchandise imported, for the space of ninety days; if, at the expiration of that time, the duties shall not be paid, they shall be sold at public auction by the collector, or so much thereof as will pay the duties thereon.

SEC. 5. Be it further enacted, That the secretary of the treasury shall, under the direction of the president, give the officers who may be appointed by virtue of this act, such instruc-

tions, from time to time, as may be necessary to bring this system into practical and useful effect.

IRA INGRAM,  
Speaker of the house of Representatives.  
RICHARD ELLIS,  
President pro tem. of the Senate.

Approved, Dec. 20, 1836.

SAM HOUSTON.

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AN ACT,

Organizing the inferior Courts, and defining the powers and jurisdiction of the same.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That there shall be established, in the several counties of this republic, an inferior court of law, which shall be styled the County Court of the county of ———, to be composed of one chief justice, who shall be elected by joint ballot of both houses of congress, and shall hold his office for a period of four years, and two associate justices, who shall be selected by a majority of the justices of the peace of each county, from among their own body, at the beginning of each and every year, and the justices so selected shall attend said county courts, or pay a fine to be assessed by the chief justice not exceeding one hundred dollars.

SEC. 2. The chief justices of said courts shall be commissioned by the president, and may be sworn into office by any primary judge, heretofore appointed by law or any legally authorized person.

SEC. 3. The justices of said court shall receive, for their services, the sum of three dollars for each day they are attending to hold a court according to law, to be paid from the treasury of the proper county, on the certificate of the clerk of the said court; and for all other duties, they are authorized or required to perform, they shall receive such compensation as may be provided by law.

SEC. 4. A majority of the justices of said court shall be necessary to constitute a court, and in case a sufficient number should not attend on the first day of any term, the sheriff of the county may adjourn the same from day to day, for four days, at the end of which time, if a sufficient number do not attend, he shall adjourn the court to the next term. If from any cause a

county court shall not be held at any term thereof, or the business before said court should not be completed before the adjournment of said court, all business returnable to or pending in said court, shall stand continued until the next term.

SEC. 5. There shall be held, at the court house of each county in this republic, a county court four times in each year; the terms of said county courts shall commence and be continued as follows:—For the county of Austin, on the first Monday in January, April, July, October:—For the county of Brazoria, on the third Monday in January, April, July, October:—For the county of Bexar, on the first Monday in January, April, July, October:—For the county of Colorado, on the second Monday in January, April, July, October:—For the county of Gonzales, on the third Monday in January, April, July, October:—For the county of Goliad, on the third Monday in January, April, July, October:—For the county of Harrisburg, on the fourth Monday in January, April, July, October:—For the county of Jasper, on the first Monday in January, April, July, October:—For the county of Jefferson, on the first Monday in January, April, July, October:—For the county of Jackson, on the first Monday in January, April, July, October:—For the county of Liberty, on the second Monday in January, April, July, October:—For the county of Mina, on the second Monday in February, May, August and November:—For the county of Milam, on the third Monday in February, May, August, November:—For the county of Matagorda, on the second Monday in February, May, August, November:—For the county of Nacogdoches, on the second Monday in January, April, July, October:—For the county of Red River, on the third Monday in January, April, July, October:—For the county of Refugio, on the second Monday in January, April, July, October:—For the county of Sabine, on the fourth Monday in January, April, July, October:—For the county of Shelby, on the first Monday in February, May, August, November:—For the county of San Augustine, on the third Monday in January, April, July, October:—For the county of San Patricio, on the third Monday in January, April, July, October:—For the county of Victoria, on the first Monday in January, April, July, October:—For the county of Washington, on the first Monday in February, May, August, November.

SEC. 6. The several county courts of this republic shall have original jurisdiction of all suits and actions for the recovery of money, founded on any bond, bill, promissory note, or other written contract, covenant, or agreement whatsoever, or any

open account, where the sum demanded shall exceed one hundred dollars, and shall have concurrent jurisdiction with the district courts, in all such suits and actions, provided that no suit relative to the title of land shall be tried and determined in said court, and generally to do and perform all other acts, and exercise all other powers, lawfully pertaining to a county court, within this republic.

SEC. 7. All process from the county court shall be tested in the name of the clerk thereof, shall issue and be returnable in the same manner and under the same penalties as prescribed in the act establishing the jurisdiction and powers of the district courts; and all suits and actions in said county courts shall be commenced and continued in the same manner, as near as may be, as provided in the forementioned act.

SEC. 8. There shall be elected, by the qualified electors of each county, on the first Monday in February next, one clerk of the county court, who shall hold his office for the period of four years, and shall be removable for neglect of duty or misdemeanor in office, in the same manner as clerks of the district courts: before entering upon the duties of their office, they shall enter into bond with two sureties, to be approved by the courts of which they are clerks, payable to the president and his successors in office, in the penalty of five thousand dollars, conditioned for the faithful performance of the duties of their offices; and that they seasonably record all deeds and other instruments of writing required by law to be recorded in their offices; and also all judgments, decrees, and orders of said courts, and safely to keep all records, minutes, books, papers, and whatever belongs to their offices of clerk: said bond shall be recorded in said court and deposited in the office of the clerk of the district court, and may be proceeded upon in the same manner as the bonds of clerks of the district courts.

SEC. 9. In case of a vacancy in the office of clerk of the county court, or during the unavoidable absence of such clerk, the court in term time and the chief justice thereof, in vacation, may appoint a clerk "pro tempore," who shall discharge the same duties and have the same authority as the regularly elected clerk.

SEC. 10. The several clerks of the county courts shall be, and they are hereby empowered to administer oaths, and affirmations in all cases wherein an affidavit is necessary, as the foundation of any official act to be performed by said clerk.

SEC. 11. It shall be the duty of the clerk of each county

court, to make a correct list of the freeholders of their respective counties, which shall be filed in their offices: they shall enter the names on such list upon separate slips of paper, and deposit them in a box to be kept for that purpose; at every term of said court, or on failure of a term of said court, in presence of one of the justices of said court, the clerk and sheriff shall draw from said box one by one, the names of sixteen persons, to serve as jurors at the next succeeding term of said court, and the names of said persons so drawn, shall be entered upon the minutes of said court, and the said jurors shall be summoned in the same manner as the jurors for the district court, and so much of the "act establishing the jurisdiction and powers of the district courts," as relates to jurors and witnesses, shall apply to all jurors and witnesses for the county courts, so far as suited to the organization of said county courts.

SEC. 12. It shall be the duty of the clerks of the county courts to perform the duties of treasurer, and to procure, at the expense of the county, a seal, for the use of their respective courts, with the style of the court around the margin thereof, and a star of five points in the centre.

SEC. 13. Any party may appeal from any final judgment or decision of any county court, provided the amount in controversy shall exceed two hundred dollars, to the district court, for said county, in the same manner and under the same restrictions as provided in the sixteenth section of an "act establishing the jurisdiction and powers of the district court," and the forty-second section of the aforesaid act, shall apply equally to the county courts, so far as is consistent with this act.

SEC. 14. A transcript of the record in all appeals from a justice of the peace to the county courts, shall be filed in the office of the clerk of said court on or before the first day of the next succeeding term, who shall enter the same on his docket in proper order; and all such appeals shall be heard and determined by said court, "de novo," without the intervention of a jury, on all sums under twenty-one dollars, but on all sums over that amount, a jury may be had on application of either party.

SEC. 15. The records of each day's proceedings of the county court shall be read in open court, on the morning of each succeeding day, and at the close of the term shall be signed by the justices attending the same.

SEC. 16. The several county courts shall have power to punish all contempts of such courts, in the same manner as provided by law for the district courts.

SEC. 17. The justices of the county courts shall be conservators of the peace within their respective counties, and shall have power, by warrant, to cause any person or persons, charged with a criminal offence, to be arrested, and to take all manner of recognizances returnable into the court having jurisdiction of the same.

SEC. 18. The said courts shall have power to hear and determine all motions, reasonable notice being given to the adverse party, against sheriffs or other officers for money received on execution or other process from said court, which they have neglected to pay on demand, to the party entitled to the same; and all motions against attorneys and counsellors at law for neglecting or refusing to pay money received for their clients, in any case instituted in said courts, and award judgment and execution for the same.

The chief justices of the county courts shall have power to grant the same remedial process as a district judge, provided that no such writ or process shall extend to any act of a district judge; or relate to any business pending before a district court, or which may be exclusively cognizable before it.

SEC. 19. All process from any county court shall be executed and returned by the sheriff of the proper county, and the sheriff of each county shall attend on the county court of his county, and perform all the duties required of him by law, by virtue of his office; and shall cause his deputy, or summon a constable of his county to attend each term of said court, who shall attend accordingly, or pay a fine, to be assessed by the court, not exceeding twenty dollars.

SEC. 20. The several county courts of this republic shall procure, and cause to be kept in repair, within their respective counties, a good and convenient building for holding courts, and also a suitable building for a jail or county prison, to be well secured, the expense of which shall be paid by the proper county.

SEC. 21. All expenses which may be incurred for the safe keeping of criminals in the several counties of the republic, shall be paid out of the treasury of the republic, and the certificates of the proper judges shall be sufficient voucher for auditing such account.

SEC. 22. The county court of each county shall, in term time, audit and allow, on proper proof, all accounts and demands legally chargeable upon their respective counties; and all accounts and demands, so allowed, shall be recorded by the clerk of said court in a book to be kept for that purpose, and the clerk

shall issue a warrant for all such accounts and demands audited, upon the county treasurer, which shall be signed officially, with the seal of the court.

SEC. 23. The county courts shall make allowance of the sums of money necessary for supplying the clerk's office with stationary, books, tables, and presses, to be paid out of the county treasury.

SEC. 24. The chief justices of the county courts shall be judges of probate for their respective counties, shall take the probate of wills, grant letters of administration on the estates of persons deceased, who were inhabitants of, or resident in said county, at the time of their decease, shall appoint guardians to minors, idiots, and lunatics, and in conjunction with the associate justices, shall examine and settle the accounts of executors, administrators, and guardians; and said chief justice shall have full jurisdiction of all testamentary and other matters appertaining to a probate court, within their respective counties.

SEC. 25. The chief justice shall hold a probate court at the court house of their respective counties, on the last Monday of every month in the year, except in cases when the county courts shall be held on the last Monday in any month, and in such case the probate court shall be held on the Monday next preceding; and they may hold a special court for the transaction of any business within their jurisdiction, provided ten days' notice is given by advertisement, at three of the most public places in different parts of the county, of the time of holding said court, and of all business to be acted on at such special term.

SEC. 26. Any person may appeal from any decision or decree of any court of probate, within ten days after such decision or decree shall have been rendered, to the district court of the county, provided such appellant shall give bond with good and sufficient security, to be approved by said court of probate, conditioned that said appellant shall prosecute said appeal to effect, and perform the sentence, judgment or decree which the said district court shall make therein, in case the cause be decided against said appellant.

SEC. 27. When any appeal shall be taken on any decision or decree of a court of probate, the clerk of such court shall immediately make out a full and perfect record of all the proceedings in such case; and shall, on the application of either party, give to such party an attested copy of such record, which shall be transmitted to the district court; and the said district court

shall, at the next succeeding term, hear and determine such appeal, and the decision of the district court shall be certified to the court of probate, which shall carry the same into effect.

SEC. 28. The chief justice of each county shall procure, at the expense of the county, an appropriate seal for the court of probate, and the said seal shall be fixed to all papers issuing from said court.

SEC. 29. The chief justices shall receive three dollars for every day they are attending to hold a probate court according to law, to be paid on the certificate of the clerk of said court out of the county treasury; and for all other duties they are authorized or required to perform, they shall receive such compensation as may be provided by law, and the associate justices shall receive, for every day they are required to attend a probate court, the same pay as the chief justice.

SEC. 30. The clerks of the county courts shall be clerks of the courts of probate for their respective counties, and shall record all wills and testaments and other instruments of writing, required by law to be recorded in their offices, shall give certified copies of all papers in their offices to any person applying for the same, and shall receive for all duties required to be performed by them, by virtue of their offices, such fees as may be prescribed by law.

SEC. 31. All probate business heretofore pending before the primary courts, shall be transferred to, and completed in the probate court, for the county established by this act; and any of the primary judges heretofore acting, who shall refuse or neglect to transmit all such business, and all records and papers appertaining thereto, shall be proceeded against in the same manner and under the same penalties as provided in the eleventh section of the act establishing the jurisdiction and powers of the district courts.

SEC. 32. It shall be the duty of the several probate courts to compel a settlement of all estates heretofore administered on, within twelve months, and may require new security to be given, if by them deemed necessary, within six months from the passage of this law.

SEC. 33. It shall be the duty of the judge of the first instance, of each and every county to deposite in the office of the clerk of the county court of his county, every matter of record, paper, document, or thing heretofore filed in the office, not by law required to be transmitted to the district court, or to justices of the peace.

## NOTARIES PUBLIC.

SEC. 34. The chief justices of the several county courts shall be, ex-officio, notaries public for their respective counties; they shall have power to administer oaths and affirmations in all matters relating to their notarial office, shall have power to receive the proof or acknowledgments of all instruments of writing relating to commerce or navigation, and also to make declarations and testify to the truth thereof, under their seal of office; concerning all matters done by them in virtue of their offices; they shall keep a register of all official acts done by virtue of their offices, and, when required, shall give a certified copy of any record of their offices to any one applying for the same; and for all acts done by them, as notary, they shall receive such fees as may be provided by law; the seal of the county court shall be the notarial seal, and shall be fixed to all instruments and attestations of the respective notaries.

## RECORDERS.

SEC. 35. The clerks of the county courts shall be the recorders for their respective counties, and it shall be their duty to record all deeds, conveyances, mortgages, and other liens, and all other instruments of writing required by law to be recorded in their offices, which are presented to them, provided one of the witnesses of the number required by law shall swear to the signature of the signer, or he himself shall acknowledge the same, which shall be certified by the recorder, and form part of the record; and all deeds, conveyances, mortgages, and other liens shall be recorded in the county where the property is situated.

SEC. 36. It shall be the duty of the recorder to give attested copies whenever demanded, of all papers recorded in his office; and the recorder shall receive, for all such copies, and all other writing required of him by virtue of his office, such fees as may be provided by law.

SEC. 37. Any person who owns or claims land of any description, by deed, lien, or any other color of title, shall, within twelve months from the first day of April next, have the same proven in open court, and recorded in the office of the clerk of the county court in which said land is situated; but if a tract of land lies on the county line, the title may be recorded in the county in which part of said land lies.

SEC. 38. All titles, liens, mortgages, or other color of title,

before they can be admitted upon record, must be proven by at least two subscribing witnesses, if living in the county, and if not so living in the county, then the hand writing shall be proven either before some county judge, or before the clerk of the county court in whose office such record is proposed to be made; and in all cases the certificate of any county judge, that the said witness appeared before him and acknowledged his signature, or that the hand writing of the same was duly proven, shall be sufficient evidence to authorize the clerk of the county court to enter such title, lien, mortgage, or other color of title upon record; and the said clerk for recording the same, shall be entitled to charge and receive the sum of twenty cents for every hundred words.

SEC. 39. Any actual settler, who is a citizen of this republic, who may have and hold peaceable possession of any tract or parcel of land under a color of title duly proven and recorded in the proper county, for a term of five years from and after recording of said color of title or titles, his, her, or their claim shall be considered good and valid, barring the claim or claims of any and every person or persons whatsoever, minors, feme covert, and persons non compos mentis excepted, who shall have, and be allowed two years after their maturity, marriage, or return to a sound mind, to demand and commence an action for his, her, or their claims, and no more. A peaceable possession can only be interrupted by an actual suit being instituted and prosecuted agreeably to the due forms of law, against the holder or holders thereof: provided that this act shall not affect the rights of any person who may have been prevented from complying with the provisions of this law, by reason of an enemy having had possession of the country, or for want of a proper court or officer having been established in due time: and provided further, that this act shall not give validity to claims unlawfully obtained from government.

SEC. 40. No deed, conveyance, lien, or other instrument of writing, shall take effect as regards the interests and rights of third parties, until the same shall have been duly proven and presented to the court, as required by this act, for the recording of land titles. And it shall be the duty of the clerk to note particularly the time when such deed, conveyance, lien, or other instrument is presented, and to record them in the order in which they are presented.

SEC. 41. The common law of England, as now practiced and understood, shall, in its application to juries and to evidence,

be followed and practiced by the courts of this republic, so far as the same may not be inconsistent with this act, or any other law passed by this congress.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Dec. 20, 1836.

SAM. HOUSTON.

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AN ACT,

Supplementary to an act organizing the Inferior Courts, and defining the powers and jurisdiction of the same.

Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the representatives of each county of this republic, or either of them, be, and are hereby authorized and required to administer the necessary oaths of office to the different chief justices and justices of the peace for the different counties, so soon as they may have been elected, in conformity to the provisions of this act.

IRA INGRAM,  
Speaker of the house of representatives.  
RICHARD ELLIS,  
President pro tem. of the senate.

Approved, Dec. 20, 1836.

SAM. HOUSTON.

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AN ACT,

Authorizing and requiring County Courts to regulate Roads, appoint Overseers, and establish Ferries, &c.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the county courts of the several counties of this republic, shall have full power to order the laying out of public roads, when necessary, and to discontinue or alter such roads as shall at any time prove useless.

SEC. 2. Be it further enacted, That whenever it shall be deemed necessary to lay out any new road, the county court shall appoint at least five freeholders or householders, who shall be

intrusted by the court to lay out the road so ordered, to the greatest advantage of the inhabitants, and as little as may be to the prejudice of enclosures; which road shall be opened thirty feet in width.

SEC. 3. Be it further enacted, That all free males, Indians excepted, between the age of eighteen and forty-five years, and all male slaves over sixteen and under fifty years of age, shall be liable to work on public roads.

SEC. 4. Be it further enacted, That the county courts of the several counties are hereby authorized and required to lay off all public roads into precincts, and shall, at the first session of their courts in each and every year, appoint one overseer for each precinct, and shall at the same time apportion and designate the hands liable to work on public roads, and under overseers of the several precincts.

SEC. 5. Be it further enacted, That it shall be the duty of the clerk of the county courts, to make out and deliver, within ten days after the adjournment of the court, to the sheriff of his county, a copy of the order of court, appointing the several overseers, and the hands liable to work under them; and the sheriff shall, within twenty days after the reception of the order, deliver to, or leave the same at the common residence of the overseer, and on failure of the clerk or sheriff to deliver such orders herein directed, each shall forfeit and pay for every such failure, ten dollars, which fines shall be recovered by judgment, on motion of the solicitor of the superior court of the county in which the defaulter shall reside. The said defaulter having three days notice of said motion, without the interposition of a jury, except the defaulter shall require it.

SEC. 6. Be it further enacted, That it shall be the duty of the clerks of the county courts, to put up in their respective court houses, a list of the names of the overseers and their respective precincts, in their county; and on neglect thereof shall forfeit and pay the sum of ten dollars, to be recovered in the manner prescribed in the fifth section of this act.

SEC. 7. Be it further enacted, That if any overseer so appointed shall refuse to serve without a reasonable excuse to be judged by the county court, he shall forfeit and pay the sum of twenty-five dollars, to be recovered in the manner prescribed in the fifth section of this act.

SEC. 8. Be it further enacted, That overseers of the roads shall have power to call out all persons liable to work on public roads in their precinct, at any time when it may appear neces-

sary to repair the roads, causeways, or bridges in their precinct: provided, nevertheless, that no person shall be compelled to work on more roads than one in any one year, nor more than ten days in the year on any road.

SEC. 9. Be it further enacted, That it shall be the duty of the overseer of any road to give two days previous notice by summons in person, or in writing left at their respective places of abode, to all free male persons, as well as to the owners, overseers, or employers of slaves, liable to work on roads in his precinct, to meet at such time and place as he may appoint, and to bring with them such tools to work with on the road as he shall direct; and if any free person so summoned shall fail to attend or send a substitute to work in his place, or when attending shall fail or refuse to do and perform his duty therein, shall forfeit and pay for each and every day that he shall fail or refuse to perform his duty as aforesaid, the sum of two dollars, together with costs of suit, by judgment, in the same manner as in cases of debt, before any justice of the peace of his county; and if a slave, the sum of two dollars for each and every day he shall fail to attend, to be recovered in manner as aforesaid, from his owner, overseer, or employer: provided, that all reasonable excuses shall be heard and allowed.

SEC. 10. Be it further enacted, That if any overseer of the road shall fail or neglect to prosecute any free person, or if a slave, his owner, overseer, or employer, who shall fail to attend, or neglect or refuse to perform his duty, when lawfully summoned to work on roads, without a reasonable excuse; then, and in that case, any person liable to work on roads under such overseer, may recover from such overseer the full amount that such overseer might or could recover from such defaulter or defaulters, for his or their refusal or neglect to perform their duty on the road; to be recovered in the manner prescribed by the ninth section of this act, the one-half thereof to the benefit of the prosecutor, and the other half to be applied in the manner herein after prescribed by the eighteenth section of this act.

SEC. 11. Be it further enacted, That if any person or persons whatever shall alter or change any public road, unless it be done by permission of the county court of the county in which such road is, so as to be altered or changed, shall, on conviction thereof, forfeit and pay the sum of ten dollars for each month the road is turned out of its old course: nor shall any person or persons erect, or cause to be erected across any public road, any bar, fence, impediment, or fall any tree or brush on the same,

and shall not move and clear away such fence, bar, impediment, tree, or brush, within twenty-four hours thereafter, he or they shall forfeit and pay the sum of two dollars for every day the impediment remains in said road, to be recovered in the manner prescribed in the 5th section of this act.

SEC. 12. Be it further enacted, That when to the overseer of roads it may appear expedient to make causeways on the same, said overseer shall cause them to be made at least fifteen feet wide, and the earth necessary to cover said causeways, shall be taken from both sides, so as to make a drain on each side of the causeway; he shall erect bridges across all such water courses and other places as may appear to him necessary and expedient.

SEC. 13. Be it further enacted, That if the overseer of any road shall fail or neglect to keep the roads, bridges, and causeways within his precinct clear, and in good order, or permit them to remain uncleaned or out of repair for twenty days at any one time, unless hindered by high water, bad weather, or other sufficient cause, to be adjudged by the court having jurisdiction of the same, such overseer shall forfeit and pay for every such offence the sum of twenty dollars, to be recovered in the manner prescribed by the fifth section of this act: provided, nevertheless, that payment of this penalty shall not prevent any person or persons who may have sustained damage by the road being out of repair, from recovering the amount of such damage from such overseer.

SEC. 14. Be it further enacted, That at all times the county courts throughout this republic shall have power to establish ferries as are hereinafter directed. That before any person shall establish a public ferry in the republic, he shall apply to the county court of the county in which such ferry is intended to be established, and the court for good cause being shown by the party applying, may grant a license to establish a ferry, and shall affix the rates of ferriage for crossing all persons, horses, cattle, carriages, &c., that shall pass the same, and shall moreover require from the person or persons so applying for license, to give bond with good and sufficient security, in the sum of one thousand dollars, payable to the judge of the county court of the county in which the application is made, and his successors in office, conditioned that the person or persons to whom said license may be granted, shall provide and constantly keep good and sufficient boats or other craft; also the banks on each side of the water course, in good repair; and that said ferry shall be

well attended, for travellers or other persons to carry or pass with their horses, carriages or effects over such river or water-course.

SEC. 15. Be it further enacted, That if any person or persons shall at any time sustain damage in consequence of any ferryman or owner of ferry, not having complied with the condition of his or their bond, the person so damaged may bring an action of debt against such ferryman or owner of such ferry, on his or their bond, in the name of the judge of the county court of the proper county, and recover judgment for so much damage as he, she, or they may have sustained; and thereupon take out execution, and cause the money to be made; and when made, to apply the same to his, her, or their own use; which bond shall not be void upon the first or any other recovery, until the whole amount thereof has been recovered. Any person who shall be detained at any public ferry through the neglect of the ferryman's performing his duty, may, by warrant from a justice of the peace of the county in which said ferry is established, recover from such ferryman or owner of such ferry, the sum of ten dollars for every such default or neglect: provided, that any such recovery shall not be a bar to any action for damages sustained by any person, by reason of the insufficiency of such ferry.

SEC. 16. Be it further enacted, That if any person or persons shall establish a ferry, or exact and demand ferriage contrary to the provisions of this act, he or they shall forfeit and pay the sum of five hundred dollars for every public ferry so established, to be recovered by indictment or presentment by a grand jury in the superior court of the county, in which such ferry shall be established; and any person or persons who may have any licensed ferry, who shall demand and take a greater toll than is allowed him or them by law, or by order of the county court, shall forfeit and pay the sum of five dollars for each and every such offence, to be recovered by indictment or presentment of a grand jury, as prescribed in the fifth section of this act.

SEC. 17. Be it further enacted, That it shall be the duty of the judges of the superior courts of this republic to give in charge to the grand juries of the different counties at the opening of each term of the said courts, this act, and the grand juries shall present the overseers of every public road, as well as the owners and keepers of public ferries, which shall not be, or may not have been kept in such order and repair as is required by this act; and every person or persons who shall have altered any

public road, without having first obtained permission so to do, as directed by the 11th section of this act; and every such person or persons as shall have erected any fence, bar, or impediment, or fell trees or brush in any public road contrary to this act; and it shall be the duty of the solicitor of the superior court, upon such presentments being made by the grand jury, after giving such defaulter three days' notice to move the court for judgment in the manner prescribed by the fifth section of this act: provided, however, that the court shall hear the excuse of any overseer, keeper or owner of any public ferry, who may have violated the provisions of this section of this act; and on good cause shown for the default, then, and in that case, no judgment shall be awarded.

SEC. 18. Be it further enacted, That it is hereby made the duty of all overseers, clerks, and other officers into whose hands may be paid any money, arising from fines, penalties, or forfeitures, under this act, and not otherwise ordered by this act, to pay the same over to the county treasurer of the county in which the same may be, within ten days after the same may come into his or their hands, and if any overseer of the road, clerk, or other officers fails or neglects to do so, he or they shall forfeit for every such failure or neglect, the sum of fifty dollars, to be recovered in the manner prescribed by the fifth section of this act.

SEC. 19. Be it further enacted, That it shall be the duty of the county treasurer of the several counties in this republic to receive all moneys directed to be paid them by this act, and to keep a separate and distinct account of the same, under the title of "Road Fund;" which moneys shall be under the control of the county court, and shall be appropriated by them only for the purpose of repairing the public roads, opening new roads, building and repairing bridges, causeways, &c., in the county in which the same has been recovered.

SEC. 20. Be it further enacted, That the county courts through whose county large creeks or water courses shall pass, over which it may be too burthensome for the overseers, with the hands apportioned to them to work on roads, to build bridges, may contract with a proper person or persons to build a toll-bridge, for which the court shall lay the toll to be levied on all persons, cattle, horses, carriages, &c., passing over the same, to be granted to the undertaker, for such a number of years as the said court may think proper, not to exceed ten years; and the builder or builders, and their successors shall keep the bridge in

constant repair during the term of the contract, and in default thereof shall forfeit all right and claim to the toll of such bridges.

SEC. 21. Be it further enacted, That the county court before granting a license to any person to build a toll-bridge, shall take bond in the sum of one thousand dollars, with good and sufficient securities, conditioned that the undertaker or undertakers shall build and keep in constant repair, the bridges so contemplated, for the term of years agreed upon, between the undertaker or undertakers and the court; and if any person or persons shall sustain damages in consequence of the owner or keeper of any toll-bridge not having complied with the conditions of his bond, the person or persons so damaged may bring an action of debt against the owner or keeper of such toll-bridge, on his or their bond, in the name of the judge of the county court and his successors in office, of the county in which such license was granted, and recover judgment for the damages so sustained, and in the manner prescribed by the seventeenth section of this act.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 20, 1836.

SAM. HOUSTON.

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AN ACT

To organize and fix the Military establishment of the Republic of Texas.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That from and after the passage of this act, the Military establishment of the republic of Texas, besides the volunteers and mounted rifle corps and militia available for the defence of the country, under the orders of the president, shall be composed of one regiment of cavalry, one regiment of artillery and four regiments of infantry; with such officers of engineers, of ordnance and of the staff as are hereinafter provided for.

SEC. 2. Be it further enacted, &c. That the regiment of cavalry shall consist of one colonel, one lieutenant colonel, one major, one adjutant, one assistant quarter master, one assistant

commissary of subsistence, one surgeon, one assistant surgeon, one instructor or sword master, one sergeant-major, one quarter master sergeant, one principal musician, one farrier and ten companies; and that each company shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians and forty-six privates. And that the regiment of artillery shall consist of one colonel, one lieutenant colonel, one major, one adjutant, one assistant quarter master, one assistant commissary of subsistence, one surgeon, one assistant surgeon, one sergeant major, one quarter master sergeant, two principal musicians and eight companies, two of which shall be designated and equipped as light artillery; and that each company shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, three artificers, two musicians and fifty privates. And that each regiment of infantry shall consist of one colonel, one lieutenant colonel, one major, one adjutant, one assistant quarter master, one assistant commissary of subsistence, one surgeon, one assistant surgeon, one sergeant major, one quarter master sergeant, two principal musicians and ten companies; and that each company shall consist of one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians and forty-six privates. And that the adjutant, assistant quarter master, and assistant commissary of subsistence of each regiment shall be taken from the subalterns of the regiment, and shall be allowed such compensation for extra service as may be provided by law.

SEC. 3. And be it further enacted, &c. That there shall be one colonel of engineers, and that the president of the republic of Texas be, and is hereby authorized to employ such assistants as may be necessary for the performance of the duties of the engineer department.

SEC. 4. And be it further enacted, &c. That there shall be one colonel of ordnance, and thirty enlisted men for ordnance duty, and that the president of the Republic of Texas be, and is hereby authorized to select from the regiments of artillery or infantry such officers as may be necessary to perform ordnance duties, who while so detached, shall receive the pay and emoluments allowed to ordnance officers.

SEC. 5. And be it further enacted, &c. That there shall be one major general, who shall be allowed two aids-de-camp, who shall be appointed by him, and who shall be entitled to the rank, pay and emoluments of majors of cavalry. Two briga-

dier generals, each with one aid-de-camp, who shall be appointed by him, and shall be entitled to the rank, pay and emoluments of a captain of cavalry.

SEC. 6. And be it further enacted, &c. That there shall be one adjutant general and one inspector general, with the rank, pay and emoluments of colonels of cavalry; and that there be one assistant adjutant general and one assistant inspector general, with the rank, pay and emoluments of majors of cavalry.

SEC. 7. And be it further enacted, &c. That there shall be attached a brigade major as chief of the staff to each brigade, who shall be allowed the rank, pay and emoluments of a major of cavalry.

SEC. 8. And be it further enacted, &c. That there shall be one quarter master general, with the rank; pay and emoluments of a colonel of cavalry; and four quarter masters with the rank, pay and emoluments of majors of cavalry.

SEC. 9. And be it further enacted, &c. That there shall be one commissary general of subsistence, with the rank, pay and emoluments of a colonel of cavalry; and two commissaries of subsistence, with the rank, pay and emoluments of captain of cavalry.

SEC. 10. And be it further enacted, &c. That there shall be one paymaster general and three paymasters, and there shall be one commissary of purchases.

SEC. 11. And be it further enacted, &c. That there shall be one surgeon general and one assistant surgeon general.

SEC. 12. And be it further enacted, &c. That the assistant quarter masters, and assistant commissaries of subsistence shall be appointed by the colonels of their respective regiments, subject to the approval of the secretary of war.

SEC. 13. And be it further enacted, &c. That there shall be one provost martial to each brigade, with the rank, pay and emoluments of a sergeant major.

SEC. 14. And be it further enacted, &c. That the quarter master general, quarter masters and assistants, commissary general of subsistence, commissaries and assistants, pay master general and pay masters, shall give bonds with good securities for the correct and faithful performance of their duties, in such amounts as may hereafter be determined by law.

SEC. 15. And be it further enacted, &c. That the officers, non-commissioned officers and artificers, musicians and privates, authorised under this act, except those especially provided for, shall have the rank, pay and emoluments that are provided in

like cases by existing laws, or such as may be hereafter enacted, and that the force created and authorized by this act shall be subject to the rules and articles of war.

SEC. 16. And be it further enacted, &c. That all officers contemplated by this act shall be appointed by the president, by and with the advice and consent of the senate, except those whose appointments are otherwise provided for in this act.

SEC. 17. And be it further enacted, &c. That the commissions of those officers now absent in the recruiting service shall be valid, provided said officers shall muster into the service of this republic the requisite number of regular soldiers to constitute their respective commands, by the first day of March next; otherwise said commissions shall be null and void.

SEC. 18. And be it further enacted, &c. That the bounty of lands of the soldiers now in the regular service, shall be increased and raised to the same as those to be raised under this act.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 20, 1836.

SAM. HOUSTON.

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## AN ACT

Creating a General Post Office, &c.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That there shall be, and there is hereby created and established, a general post office, to be under the charge and direction of a postmaster general, to be nominated by the president, subject to the approval or rejection of the senate; and he hold his office for a term of three years, and shall give bond, with approved security, in a sum of not less than five thousand dollars, payable to the president or his successors in office. The postmaster general shall have power to appoint the necessary assistants and clerks for doing the business of his office. He shall establish post offices, and appoint postmasters at such places as he may deem expedient, on the post roads that are or may be established by law. He shall give instructions to the postmasters and all other per-

sons he shall employ, or who may be employed in any of the departments of the general post office, relative to their several duties. He shall provide for the carrying of the mail on all post roads that are or may be established by law as aforesaid, as often as he may think proper, having regard to the productiveness thereof. He shall obtain from the several postmasters, their accounts and vouchers for the receipts and expenditures of their several offices, once in every three months, or oftener if he think proper, shewing the balance therein in favor or against the general post office. He shall pay all necessary expenses incident to the general post office, in consequence of mails, collection of the revenue, and in the general management thereof, from the income of the general post office department, if the receipts thereof be sufficient. He shall, in his annual communication to the executive of this Republic, report all the receipts and expenditures of the department, and any deficiency in the funds necessary for the current expenses thereof, who shall submit the same to congress, whose duty it shall be, to provide ways and means for supplying such deficiency. He shall prosecute or cause to be prosecuted, all offences against the general post office establishment. He shall render an account current to the general government of Texas, once in every three months, of all the receipts and expenditures in the said department, to be adjudicated and settled as other public accounts; at the same time, stating generally, the condition of the department, suggesting such improvements, as in his opinion, may be useful and necessary; and he shall render his first quarterly account on the first day of April next. He shall have general superintendence of the business of said department, in all the duties that are or may be assigned to it: provided, that in case of the death, resignation or removal from office, of postmaster general, all the duties of the department shall be performed by his assistant chief clerk, until a successor shall be appointed to take charge of the general post office.

SEC. 2.. Be it further enacted by the authority aforesaid, That the postmaster general and assistant clerks and postmasters, and other persons employed in and about the department, or in the care, custody or conveyance of the mails, shall, previously to their entering upon the respective duties assigned them, take and subscribe the following oath or affirmation, in addition to the oaths required by all officers of the government, before some person legally authorized to administer an oath:— That I will faithfully perform all the duties required of me, and

abstain from every thing forbidden by the laws, in relation to the establishment of the general post office and post roads.

SEC. 3. And be it further enacted by the authority aforesaid, That the postmaster general may provide by contract for the conveyance of the mail on any road on which a stage or wagon, or any other stage carriage, shall be established, on condition, that the expenses thereof, shall not exceed the income thence arising. All contracts for carrying the mail, whether on horseback or otherwise, shall be for any term not exceeding two years, revocable at the pleasure of the postmaster general, and at all times, subject to such alterations as to time of departure, arrivals and distances, and frequency of transportation, as he may think proper; subject, however, to an increase or diminution on the amount to be paid on said contract to the contractor, in ratio of increase or diminution of services required; and it shall be lawful for the postmaster general, to impose such fines and forfeitures upon the mail contractors for all failures they may make, in not regularly and faithfully complying with the terms of their contract, as in his opinion, may be just and proper: provided, that no fine for a failure in delivering any mail, shall exceed the pay for one trip.

SEC. 4. Be it further enacted by the authority aforesaid, That no other than a citizen of this republic, shall be employed in carrying the mail on any of the post roads, either as carrier, rider or driver; and any and every violation of this act, shall subject the contractor for each offence, to forfeit and pay the sum of one hundred dollars; one moiety thereof to the use of this republic, and the other moiety to the use of the person who shall sue for and prosecute the same before any court having competent jurisdiction thereof.

SEC. 5. Be it further enacted by the authority aforesaid, That if any person shall knowingly and willingly obstruct or retard the passage of the mail, or of any driver or carrier, or any horse or carriage carrying the same, he shall, upon conviction thereof, for every such offence, pay a fine not exceeding one hundred dollars. And if any ferryman shall, by wilful neglect or refusal to transport the mail across any ferry, hinder or delay the same, he shall forfeit and pay for every ten minutes, a sum not exceeding ten dollars.

SEC. 6. Be it further enacted, That it shall be the duty of the postmaster general, to give public notice in one or more of the newspapers of Texas, for at least four weeks before entering into any contract for carrying the mail, that such contract is in-

tended to be closed on the day, and at such place as he may designate, that sealed proposals will be received for contracts. The notice shall designate places from and to which such mail is to be carried, the time at which it is to be made up, and the days and hours on which it is to be delivered. He shall, moreover, within thirty days after the making of any contract, lodge the duplicate thereof, together with a copy of the proposals which he shall have received respecting it, in the executive office of Texas; and no contract shall be entered into for a longer time than two years.

SEC. 7. Be it further enacted, That every postmaster shall keep an office, in which one or more persons shall attend, on every day on which a mail, or bag, or other packet or parcel of letters shall arrive by land or water, as well as on such other days and hours as the postmaster general shall direct, for the purpose of performing the duties of his office. And it shall be the duty of all postmasters, at all reasonable hours, on every day of the week, to deliver on demand, any letter, paper or packet to any person entitled to or authorized to receive the same. And all letters brought to any office, half an hour before the making up of the mail at such office, shall be forwarded therein.

SEC. 8. Be it further enacted, That no fees or perquisites shall be received by any person employed in the general post office, on account of the duties to be performed in virtue of this office.

SEC. 9. Be it further enacted, That the following rates of postage shall be charged on all letters and packets, except such as are herein exempted, conveyed by the mails and posts of Texas—that is to say:—For every letter composing a single sheet of paper, and conveyed any distance not exceeding fifty miles, six and a fourth cents; over fifty and not exceeding one hundred miles, twelve and a half cents; over one hundred and not exceeding two hundred miles, twenty-five cents; upon all ship letters, six and a fourth cents shall be charged, in addition to the above rates; on all letters composed of two pieces of paper, there shall be charged double the ratio of a single letter; letters composed of three pieces of paper, triple those rates; and for every packet composed of four or more pieces of paper or thing, and weighing one ounce, quadruple those rates; and in that proportion for all greater weights. And for all letters or newspapers going out of Texas, it shall be the duty of the postmaster to require the postage in advance.

SEC. 10. Be it further enacted, That if any postmaster or any person authorized by the postmaster general to receive the postage of letters, shall fraudulently demand or receive any rate of postage, gratuity or reward, further than is provided by this law, for the postage of letters and packets, on conviction thereof, he shall forfeit and pay for every such offence, one hundred dollars, and shall be rendered forever incapable of holding any office of profit or trust under this government.

SEC. 11. Be it further enacted, That no ship or vessel arriving at any port of Texas where a post office is established, shall be admitted to report, make entry, break bulk, until the master or commander shall have delivered to the post master, all letters directed to any person or persons within this republic, under his care, or within his power, which shall be brought in such ship or vessel, except such as are directed to the owner or consignee of such ship or vessel; and except also, such as are directed to be delivered at the port of delivery to which such ship or vessel may be bound. And it shall be the duty of the collector or other officer of the port empowered to receive entries of ships or vessels, to require of every master or owner or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid; and if any commander or master of any ship or vessel, shall break bulk before he shall have complied with the requirements of this act, every such offender shall, on conviction thereof, forfeit and pay for every such offence, a sum not exceeding one hundred dollars.

SEC. 12. Be it further enacted, That the postmaster to whom such letters or packages shall be delivered, shall obtain from the person delivering the same, a certificate, stating the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate shall be reported with his quarterly accounts current to the postmaster general.

SEC. 13. And be it further enacted, That if any person other than the postmaster general or his deputy or person by them employed, shall be concerned in setting up or maintaining any foot or horse, post wagon or any other post carriage, on any established post road, from one post town to another post town, or any road adjacent or parallel to any established post road, or any packet, boat or other vessel, to ply regularly from one place to another, between which a regular communication by water shall be established by law, and shall receive any let-

ters or packets, other than newspapers, magazines and pamphlets, and carry the same by such foot, stage, wagon or other carriage, packet boat or vessel, excepting only such letter or letters as may be directed to the owner or owners of such conveyance, and relative to the same, or to the person to whom any packet or bundle in such conveyance is intended to be delivered, every person so offending, shall forfeit for every such offence, a sum not exceeding one hundred dollars.

SEC. 14. And be it further enacted, That the deputy postmasters or other agents of the postmaster general, shall duly account and answer to him, for all postages on way letters, which shall come to their hands; and for this purpose, the post riders and other carriers of the mail receiving any way letters, which they shall be bound to do if presented, two miles and upwards from a post office, shall deliver the said letter or letters to the postmaster or his deputy, at the first post office he may arrive at, together with the postage, if paid, whose duty it shall be to specify to the same as way letters, adding six and a fourth cents additional postage on each of such letters he may have so received, to be paid by him to the carrier who delivered them. Letters directed to persons living between post offices, may be delivered by the carriers, and the postage thereof duly collected. And it shall be the duty of the carriers of the mails, to take charge of all such letters as shall, for that purpose, be committed to him by the postmaster, and collect the postage thereof, which it shall be the duty of the said post rider to pay over to the said postmaster as it is collected; and for every letter so delivered, the same shall be allowed to receive six and a fourth cents to his own use, besides the ordinary postage. If any postmaster or other agent of the postmaster general, shall neglect to account for the same, he or they so offending, shall, on conviction thereof, forfeit for every such offence, a sum not exceeding one hundred dollars.

SEC. 15. And be it further enacted, That if any postmaster or other agents of the general post office, shall unlawfully detain, delay or open any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have to his or their possession, and which are intended to be conveyed by post; or if any such person shall secrete, embezzle, or destroy any letter or packet entrusted to him or them as aforesaid, and which shall not contain any security for or assurance relating to money, as hereinafter described, every such offender being thereof duly convicted, shall for every such offence, be fined a sum not ex-

ceeding one thousand dollars, and be imprisoned not exceeding twelve months, according to the circumstances or aggravation of the offence. And if any person employed as aforesaid, shall secrete, embezzle or destroy any letter, mail or packet, or bag of letters with which he shall be entrusted, or which shall have come into his or their possession, and are intended to be conveyed by post, containing any bank note, post bill or other paper, expressive of value; or if any such person employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag, or mail of letters, that shall come to his possession, he shall for every such offence, be imprisoned for a term not exceeding ten years; and if any person who shall have taken charge of the mail of Texas, shall quit or desert the same, before he delivers it into the post office kept at the termination of his route, or to some known mail carrier or agent of the general post office, duly authorized to receive the same; every such person so offending, shall forfeit and pay a sum not exceeding five hundred dollars for every such offence. And if any person concerned in carrying the mail of Texas, shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay for every such offence, a sum not exceeding two hundred dollars.

SEC. 16. And be it further enacted, &c. That if any person shall rob any carrier of the mail of Texas, or any other person entrusted with such mail or any part thereof, every such offender or offenders shall, on conviction, be imprisoned for a time not to exceed ten years; and if convicted a second time of a like offence, he or they shall suffer death; or if in effecting such robbery of the mail the first time, the offender shall wound the person having the custody thereof, or put his life in jeopardy by the use of dangerous weapons, such offender or offenders shall suffer death. And if any person shall attempt to rob the mail of Texas, by assaulting the person having the custody thereof, by shooting at him, or his horse or mule, or threaten him with dangerous weapons, and the robbery is not effected, every such offender, upon conviction thereof, shall be punished by imprisonment, not exceeding ten years. And if any person shall steal the mail, or shall steal and take out any part thereof, out of any post office, or any letter or packet; or if any person shall take the mail, or any letter or packet therefrom, or from any person, whether with or without the consent of the person having custody thereof, the same containing any article of value; or if any person shall, by fraud or deception, obtain from any person custody

thereof, any mail, letter or packet, or any article of value, such offender or offenders, on conviction thereof, shall be imprisoned not exceeding three years; and if any letter or packet, not containing any article of value, or evidence thereof, out of a post office, or shall open any letter or packet which shall have been in a post office, or in the custody of a mail carrier, it shall have been delivered to whom it is directed, with a design to obstruct the correspondence, or to pry into another's business; or shall secrete or embezzle or destroy any such mail, letter or packet, such offender upon conviction, shall for every such offence, pay a fine not exceeding five hundred dollars, and be imprisoned not exceeding twelve months.

SEC. 17. And be it further enacted, &c., That if any person shall rip, cut, tear or burn, or otherwise injure any portmanteau, valise, or other bag, used or directed to be used by any person acting under the authority of the postmaster general, or any person in whom his powers are vested, in the conveyance of any mail, packet, newspaper or pamphlet; or shall draw or break any staple, or loosen any part of any lock, chain or strap attached or belonging to any such valise, portmanteau or bag, with an intent to rob or steal any mail, letter, packet, newspaper or pamphlet, or to render either of the same insecure, every such offender upon conviction, shall, for every such offence, pay a sum not exceeding five hundred dollars, or be imprisoned not exceeding three years, at the discretion of the court before whom such conviction is had.

SEC. 18. And be it further enacted, &c., That every person who shall from and after the passage of this act, procure, aid, advise, or assist in the doing or perpetrating of any of the acts or crimes by this act forbidden to be done or performed, shall be subject to the same penalties and punishments as the persons are subject to who shall actually do or perpetrate any of the said acts or crimes, according to the provisions of this act.

SEC. 19. And be it further enacted, &c., That every person who shall be imprisoned by judgment of court under and by virtue of the fourteenth, fifteenth, sixteenth, and seventeenth sections of this act, shall be kept at hard labor or otherwise, shall be fined and punished as the law may direct.

SEC. 20. And be it further enacted, &c., That the postmasters shall respectively publish at the expiration of every three months, or oftener where the postmaster general shall so direct, in one of the newspapers at or nearest the place of his residence, for three successive weeks, a list of all the letters remain-

ing in their respective offices; or, instead thereof, shall make out a number of such lists, and cause them to be posted up at no less than five of the most public places in that vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next three months, shall send such of the letters as then remain on hand as dead letters, to the general post office, where the same shall be opened and inspected; and if any valuable papers or matters of consequence shall be found therein, it shall be the duty of the postmaster general, through his deputies, to return them; or, if after a descriptive list thereof has been published in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within Texas, the person or persons to whom such letter or letters may have been directed and intended, shall make application therefor, it shall be the duty of the postmaster general, or any of his deputies, upon being satisfied that the applicant is the proper owner, to deliver them to such person or persons, upon the postage and expense of publication being paid; and in either case, to require from persons receiving letters to receipt to the postmaster general therefor, specifying in such receipt that it is for such letter or letters as may have been advertised and described; and if neither the writer nor the individual to whom the letter is addressed shall not make demand in their own proper person or lawful agent, within two years after the advertisement thereof, as aforesaid, the said contents shall be applied to the use of Texas, until the same shall be reclaimed by the proprietor thereof, and the manner of such application nto be specially stated by the postmaster general to the executive office.

SEC. 21. And be it further enacted, &c., That all newspapers conveyed in the mail shall be under cover. If any person employed in any department of the general post office, shall improperly detain, delay, hinder, embezzle, or destroy, any newspaper, or permit any other person to do the same, or shall open or permit any other person to open any mail or packet of newspapers not directed to the office where he is employed, he shall on conviction thereof, forfeit a sum not exceeding one hundred dollars for every such offence; and if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorized to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding fifty dollars for every such offence; and

if any person shall take or steal any packet, mail or bag of newspapers, out of any post office, or from any person having custody thereof, such person upon conviction shall be imprisoned not exceeding three months for every such offence. If any person shall enclose or conceal a letter or other thing, or any memorandum in writing, in a newspaper or among any package of newspapers, which he shall have delivered into any post office, or to any person for that purpose, in order that the same may be carried by post free of letter postage, he shall forfeit the sum of twenty-five dollars for every such offence, and the letter, newspaper, packet, memorandum, or other thing, shall not be delivered to the person to whom it is directed, until the amount of double letter postage is paid for each article of which the packet is composed. Magazines and pamphlets may be transmitted in the mail at one cent a sheet for any distance not exceeding fifty miles: for any distance over fifty and not exceeding one hundred miles, one and a half cents; and two cents for every greater distance.

SEC. 22. And be it further enacted, &c., That the postmaster general be authorized to allow the postmasters respectively, such commission on the monies arising upon the postage of letters, as shall be adequate to their respective services: provided, said commission shall not exceed twenty-five per cent. on the first hundred dollars; twenty per cent. on any sum over one hundred and not exceeding three hundred dollars; and ten per cent. on any sum over four hundred dollars and not exceeding two thousand dollars; and five per cent. on any sum collected, being over twenty-four hundred dollars, except to postmasters who may be employed in receiving and despatching foreign mails, whose compensation may be augmented, not exceeding twenty-five dollars for one quarter. The postmaster general may allow to the postmasters respectively, a commission of fifty per cent. on the money arising from the postage of newspapers, magazines and pamphlets, and each postmaster who shall be required to keep a register of the arrival and departure of the mails, shall be allowed two dollars for each monthly return thereof to the general post office.

SEC. 23. And be it further enacted, &c., That if any postmaster, or other person authorized to receive the postage of letters, shall neglect or refuse to render his accounts, and pay over to the postmaster general the balance by him due at the end of three months, it shall be the duty of the postmaster general to cause a suit to be commenced against the person so neglecting or

refusing; and if the postmaster general shall not cause such suit to be commenced within six months from the end of every such three months, the balance due from every such delinquent shall be charged to and be recoverable from the postmaster general; that all suits which shall hereafter be commenced for the recovery of debts or balances due to the general post office, whether they appear by bond or obligation, shall be made in the name of the existing or other preceding postmaster general, or otherwise shall be charged in the name of the postmaster general of Texas; and that certified under the seal of the general post office, of the accounts current of the several postmasters, shall be admitted in all suits brought by the postmaster general, for the recovery of debts or balance due from postmasters or other person; in like manner, copies of such accounts current as are lodged in the executive office under the seal of the general post office department, shall be admitted as evidence.

SEC. 24. And be it further enacted, &c., That all letters and packets to and from the following officers of this republic, shall be received and conveyed by post free of postage: each postmaster, provided the package does not exceed one ounce in weight; the president and his cabinet officers, while on duty: and members of both branches of the congress of this republic during the session of congress and thirty days thereafter; and the secretary and other officers of congress, during the time of their actual service; the treasurer and postmaster general; all officers of the army and navy; collectors and officers of the revenue, when communicating on subjects connected with public service; all of whom shall receive their newspapers by the public post free of postage: Provided, that no letter or packet from any public officer shall be conveyed by post free of postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet, as in case of officers of the army, navy, and collectors, and officers of revenue on public service.

SEC. 25. And be it further enacted, &c., That if any person shall frank letters other than those written by himself or by his order, he shall, on conviction thereof, pay a fine of fifty dollars; and if any person shall counterfeit the frank or hand writing, or cause the same to be done, in order to avoid the payment of postage, each person so offending shall for every such offence, pay a fine of one hundred dollars: Provided, that every printer of a newspaper may send one paper to each and every other printer of a newspaper in Texas; and send and receive out of Texas any number of newspapers not exceeding fifty, free of postage, under such regulations as the postmaster general may provide.

SEC. 26. And be it further enacted, &c., That if any postmaster or other person who shall receive, open or despatch mails shall neglect to render accounts thereof, for one month after the time in manner and form provided by law, and by the postmaster general's instructions, he shall forfeit and pay double the value of the postages which shall have arisen at the same office, in equal proportion of time, previous or subsequent thereto: or, in case no amount or account shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate as equivalent thereto, to be sued for and recovered by the postmaster general, in an action on the case.

SEC. 27. And be it further enacted, &c., That all pecuniary penalties and forfeitures incurred under this act, not otherwise provided for, shall be for the use of the republic of Texas.

SEC. 28. And be it further enacted, &c., That it shall be lawful for the postmaster general to make provision, when it may be necessary, for the receipt of letters and packets, intended to conveyed by any ship or vessel beyond sea, or from any port in Texas to another port therein; and the letters so received shall be formed into a mail or packet, sealed up and directed to the postmaster of the port to which such ship or vessel shall be bound; and for every letter or frank so received, there shall be paid at the time of its reception, a postage of six and a quarter cents each, which shall be for the use of the postmasters respectively receiving the same, and the postmaster general may make arrangements with the postmasters in any foreign country for a reciprocal delivery of letters, newspapers, packets and pamphlets, through the post office department, in any manner he may deem expedient and necessary.

SEC. 29. And be it further enacted, &c., That for every letter lodged at any post office, not to be carried by post, but to be delivered at the place where it is lodged, the postmaster shall receive six and a fourth cents from the person to whom it may be delivered.

SEC. 30. And be it further enacted, &c., That the postmasters and persons employed in the transportation of the mail, shall be exempt from militia duty, serving as jurors, or working on public highways.

SEC. 31. Be it further enacted, &c., That all causes of action arising under this act, may be sued for, and all offenders be prosecuted before the proper judicial officers of this republic, they having competent jurisdiction by the laws of this republic, of the trial of claims and demands of as great value, and crimes

of as great an extent; and such judicial officers shall take cognizance thereof, and proceed to judgment, and award execution as in other cases.

SEC. 32. Be it further enacted, &c., That in all suits or causes of action arising under this act, the courts shall proceed to trial, and render judgment at the first term after such suit shall have been commenced: provided, always, that whenever process shall not have been commenced at least ten days previous to the return day of such term, the defendant shall be entitled to one continuance, if the court, on the statement of such defendant, may deem it expedient: provided, also, that the defendant in such suit shall make affidavit, that he has a claim against the general post office not allowed by the postmaster general, although submitted to him conformably to the requisitions of the post office department, and shall specify such claims in his affidavit, that he could not be prepared for the trial at such term for the want of evidence, the court in such case being satisfied in those respects, may grant a continuance until the next succeeding term.

SEC. 33. Be it further enacted, &c., That it shall be the duty of the postmaster general to report annually, of every post road and office, which shall not from the second year have produced one third the amount of its expenditures.

SEC. 34. Be it further enacted, &c., That a mail or post route that shall be established from the location of the general post office to the head quarters of the army, and also from the general post office to Gaines' Ferry, on the Sabine, via Washington, Nacogdoches and San Augustine; and also a post or mail route from Velasco, via Brazoria, Columbia and Washington, to Viesca; and also another route from Liberty, via Jasper and San Augustine, to Nashville in Shelby county, said routes to go into operation under this act, so soon as a contract can be made by the postmaster general for transporting the mails; and the postmaster general shall regulate and determine as to the roads on which the said mails shall be carried, how often, and all other arrangements relating thereto, as he may think proper.

SEC. 35. Be it further enacted, &c., That the sum of one thousand dollars is hereby appropriated for the purpose of facilitating the transportation of the said mails, to be paid out of any money not otherwise appropriated.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

SAM. HOUSTON.

Approved, Dec. 20, 1836.

JOINT RESOLUTION,

For the relief of Messrs. Hooper and Wright.

Whereas Messrs. Hooper and Wright were, at the time they were required to take their seats in congress serving a tour of duty in the army of Texas, and had not quite served out the term of three months, for which they had volunteered, Hooper lacking fourteen days, and Wright twenty-one, by which circumstance, they are deprived of the privilege of drawing bounty lands:

SEC. 1. Be it therefore, resolved by the Senate and House of Representatives of the Republic of Texas, That Richard Hooper and George W. Wright shall have the same pay in lands that they would have been entitled to, had they served out their full time; and the proper officers are hereby authorized to issue certificates for the same.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro. tem. of the senate.

Approved, Dec. 20, 1836.

SAM. HOUSTON.

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AN ACT

For the election of Sheriffs, Coroners and Constables, and defining their several duties.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That there shall be elected on the first Monday of February, eighteen hundred and thirty-seven, and at the end of every two years thereafter, by the qualified electors of each county of this republic, one sheriff, who shall be commissioned by the president and shall hold his office for a period of two years. Every person so elected sheriff, before he enters upon the duties of the office, shall take the oath prescribed by law for all officers of the government; and shall enter into bond, with two or more securities, to be approved by the chief justice of the county court, payable to the president and his successors in office, in the penalty hereinafter specified, conditioned that he shall well and truly collect, and pay over to the persons authorized by law to receive the same, all taxes, fines, forfeitures and amercements due to the re-

public, or any county within the same, from any person residing within the county of which he is sheriff; and that he shall well and truly execute, and due return make, of all process and precepts to him lawfully directed, and pay and satisfy all sums of money by him received, by virtue of any such process or precepts, to the persons to whom the same are due, or their lawful attorney; and that he shall faithfully perform all the duties required of him by law, by virtue of his office of sheriff. The chief justice of the county court shall endorse on said bond his approval of the securities, and a certificate that he has administered the oath of office to the sheriff; and shall cause the said bond, with the endorsements, to be recorded in the office of the clerk of the county court, and deposit it in the office of the clerk of the district court. Said bond shall not be void on the first recovery, but may be put in suit from time to time, until the whole amount of the penalty thereof be recovered.

SEC. 2. When any person elected sheriff shall have given bond as required by this act, he may enter immediately upon the discharge of his duties, and his acts shall be as valid in law before receiving his commission from the president as afterward.

SEC. 3. The sheriffs of the several counties of the republic shall enter into bond, with security, in the following sums, to wit:—The sheriff of Austin, in the sum of five thousand dollars; the sheriff of Brazoria, in the sum of five thousand dollars; the sheriff of Bexar in the sum of five thousand dollars; the sheriff of Colorado in the sum of five thousand dollars; the sheriff of Gonzales in the sum of five thousand dollars; the sheriff of Goliad in the sum of five thousand dollars; the sheriff of Harrisburg in the sum of five thousand dollars; the sheriff of Jasper in the sum of five thousand dollars; the sheriff of Jefferson in the sum of five thousand dollars; the sheriff of Jackson in the sum of five thousand dollars; the sheriff of Liberty in the sum of five thousand dollars; the sheriff of Mina in the sum of five thousand dollars; the sheriff of Milam in the sum of five thousand dollars; the sheriff of Matagorda in the sum of five thousand dollars; the sheriff of Nacogdoches in the sum of five thousand dollars; the sheriff of Red River five thousand dollars; the sheriff of Refugio in the sum of five thousand dollars; the sheriff of Sabine in the sum of five thousand dollars; the sheriff of Shelby in the sum of five thousand dollars; the sheriff of San Augustine in the sum of five thousand dollars; the sheriff of San Patricio in the sum of five thousand dollars; the sheriff of Victoria in the sum of five thousand dollars; the sheriff of Washington in the sum of five thousand dollars.

SEC. 4. Whenever any person elected sheriff shall neglect or refuse to take the oath of office, and enter into bond as required by this act, within twenty days after notice thereof, such election shall be deemed void; and the chief justice of the county court shall order a new election.

SEC. 5. Whenever any of the securities of a sheriff shall remove permanently from this republic, or become insolvent, it shall be the duty of the chief justice of the county court to notify such sheriff to appear before him, at a certain day and place, and give a new bond, with other good and sufficient security, in a penalty equal to the former bond; and if such sheriff shall neglect or refuse so to do, he shall vacate his office, and the chief justice of the county court shall order a new election.

SEC. 6. Sheriffs shall have power to appoint by writing under their hand and seal, one or more deputies for their respective counties, to continue in office during the pleasure of the sheriff; which deputies, so appointed, shall have power and authority to perform all the acts and duties required of their principals; and every person so appointed, before he enters upon the duties of his office, shall take the oath of office required by law, of all officers, which shall be certified by the justice who administers the same, on the back of his appointment; which appointment and certificate shall be filed and kept in the office of the clerk of the county court.

SEC. 7. Every sheriff within his county, by himself or his deputy, shall execute all writs and other process to him legally issued and directed from any justice of the peace or court of record, and shall make due return thereof to the proper court, on the day to which the same is returnable; and any sheriff who shall fail herein, or shall make a false return on any writ or other process, shall, for every such offence be fined by the court to which such writ or other process is returnable, in any sum not exceeding one hundred dollars, on motion, reasonable notice thereof being given to each sheriff. One moiety of said fine shall go to the party aggrieved, and the other moiety to the county treasury; and such sheriff shall, moreover, be liable to the party injured, for all damages he may sustain thereby.

SEC. 8. The sheriff of any county shall have the same remedy against any deputy for neglect of duty, that any person can have against a sheriff.

SEC. 9. Every sheriff and deputy sheriff shall endorse on all writs or other process whatever, which they may serve, the date when they served the same, and sign it officially.

SEC. 10. It shall be the duty of every sheriff to keep the peace within his county, to quell and suppress all affrays, riots, and unlawful assemblies; for which purpose, he is empowered to call to his aid the power of the county. He shall pursue, apprehend and commit to jail, all persons charged with crime; and he may take recognizances, with good and sufficient security, of any person he may arrest, where the crime charged is not punishable with death, in a reasonable penalty, conditioned for the appearance of such offender before the first term of the proper court. He shall attend upon all courts of record within the county, and perform all other duties required by law of sheriffs within this republic.

SEC. 11. Whenever the sheriffs or any of their deputies shall meet with resistance in the execution of any legal process, they shall call to their aid the power of the county; and any person who shall neglect or refuse to aid and assist any sheriff or deputy, in the execution of any legal process, when summoned by them so to do, shall forfeit and pay for the use of the county treasury, the sum of ten dollars for each and every offence, recoverable by motion before the county court, reasonable notice being given to the party accused.

SEC. 12. It shall be the duty of the sheriffs to supply all prisoners confined in the jails of their respective counties, who are unable to supply themselves with sufficient wholesome food, drink and bedding, and, when necessary, with fire, which shall be at the expense of the republic; and the certificate of the court having cognizance of the offence with which the prisoner is charged, shall be a sufficient voucher for the auditor of public accounts to audit the same, and to issue a warrant therefor.

SEC. 13. The sheriffs of the several counties shall keep their offices at the place designated by law for holding courts within their respective counties.

SEC. 14. It shall be the duty of the sheriffs to receive from constables and other officers, all persons who shall be apprehended by such constables or other officers, for offences against the republic, and keep them, subject to the order of the proper court. And any sheriff neglecting or refusing so to do, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined at the discretion of the court before whom such conviction shall be had.

SEC. 15. Whenever any sheriff shall from any cause, vacate his office, all writs, process or unfinished business whatsoever, shall be transferred to his successor, and completed by him, in the same manner as if commenced by himself.

SEC. 16. It shall be the duty of all sheriffs heretofore acting, to transmit to their successors, all unfinished business in their hands; and any sheriff neglecting or refusing so to do, shall be proceeded against in the same manner and under the same penalties, as provided by the eleventh section of the "act establishing the jurisdiction and powers of the district courts," for proceeding against the primary judges.

### CORONERS.

SEC. 17. There shall be elected in each county of this republic, one coroner, at the same time and in the same manner, as elections for sheriffs are directed to be held by this act, who shall hold his office for a period of two years. Before entering upon the duties of his office, he shall take the oath of office prescribed by law for all officers, and shall enter into bond, with good and sufficient security, to be approved by the chief justice of the county court, in the penalty of one-fourth of the sum required of the sheriffs of the same county, payable to the president and his successors in office, conditioned for the faithful performance of the duties required of him by law by virtue of his office; which bond shall be recorded, and deposited in the office of the clerk of the county court, and may be sued on and recovery had in the same manner, as the bonds of sheriffs.

SEC. 18. The provision of the fourth and fifth sections of this act, shall apply equally to all coroners as to sheriffs.

SEC. 19. Every coroner shall take inquests of all violent, sudden and casual deaths, which shall come to his knowledge, within the county; for which purpose, he shall make out a precept, directed to any constable of the county, requiring him to summons twelve good and lawful men, of the same county, to appear before him at a certain time and place, for the purpose of holding an inquest.

SEC. 20. The constable to whom such precept may be directed, shall execute the same forthwith, and make return, with his proceedings endorsed thereon, to the coroner who issued it. It shall be the duty of the coroner, to report every constable who neglects or refuses to execute the duties required by this act; and every person summoned as a juror or witness, according to the provisions of this act, who shall fail to appear, to the next term of the county court; and said court shall, unless a reasonable excuse be offered, fine them in any sum not exceeding one hundred dollars, which fine shall go into the county treasury.

SEC. 21. The coroner shall swear or affirm the jurors, diligently to inquire, and true presentment make, on behalf of the republic; how and in what manner, the person came to his death, and all the particulars respecting the same.

SEC. 22. Every coroner may issue summons for witnesses to come before him, and declare on oath their knowledge concerning the matter in question; and coroners shall administer the oath to all such witnesses.

SEC. 23. If any person be found guilty by inquisition taken in the manner prescribed by this act, and is not in custody, the coroner shall issue his warrant, directed to any officer authorized to serve process, to apprehend such persons and their accessaries, and take them before any justice of the peace, who shall deal with them according to law.

SEC. 24. Upon any inquisition found before a coroner, where any person shall be charged with the crime of murder or manslaughter, or as accessory thereto, either before or after the commission, the coroner shall put in writing so much of the evidence as shall be material to prove the fact, and shall bind all material witnesses by recognizance, to appear before the next term of the district court for the county, then and there to give evidence against such offenders; and the coroner shall certify by writing, the evidence and recognizance so taken, together with the inquisition found, to the next term of the district court.

SEC. 25. When from any cause, there shall be a vacancy in the office of sheriff, or the sheriff shall be a party or interested in any suit, or in any manner disqualified to act in a particular case, the coroner of the county shall, during the time of such vacancy, or in such cases where the sheriff is disqualified to act, perform all the duties appertaining to the office of sheriff, in the same manner and under the same penalties, as prescribed for sheriffs; and shall receive the same fees as sheriffs, for all such duties.

SEC. 26. Any coroner who shall neglect or refuse to perform the duties required of him by this act, shall for every such offence, forfeit and pay the sum of two hundred dollars, recoverable by motion, before the county court, one moiety of which fine, shall go to the informer, and the other to the county treasury.

SEC. 27. Whenever the coroner cannot be conveniently had, to hold an inquest upon the body of any person coming to an untimely death, it shall be the duty of the nearest justice of the peace within the district where the body shall be found, to

perform all the duties required of a coroner by this act in such cases; and such justice shall be liable to the same penalty, as coroners for neglect of such duties. The justice shall receive the same fees as coroners for the like duties, and any inquest so taken and returned, shall be as effectual in law, as if taken and returned by a coroner.

### CONSTABLES.

SEC. 28. There shall be elected by the qualified electors of each captain's militia district, one constable for their respective districts. Said election shall be held on the same day as the elections for justices of the peace are directed to be held by law.

SEC. 29. Constables shall hold their offices for a period of two years; and every constable before entering upon the duties of his office, shall take the oath prescribed by law for all officers, and shall enter into bond, with good and sufficient security, to be approved by the chief justice of the county court, in such penalty as said chief justice shall direct, not being less than five, nor more than fifteen hundred dollars, payable to the president and his successors in office, conditioned for the faithful performance of all the duties required of him by law, by virtue of his office; which bond, with the certificate of the oath, by some justice, endorsed thereon, shall be recorded and filed in the office of the clerk of the county court, and may be sued on in the same manner as sheriffs bonds.

SEC. 30. When any person elected constable, shall fail to qualify himself according to the provisions of this act, within twenty days after receiving notice thereof, such election shall be deemed void, and the chief justice of the county court shall order a new election.

SEC. 31. It shall be the duty of every constable to keep and preserve the peace within his district; to aid, assist in executing the criminal laws of the republic; to give information, without delay, to some justice of the peace or other proper officer, of every violation of the penal laws of the republic, which shall come to his knowledge. He shall execute and return all warrants and other process, lawfully directed to him by any justice of the peace, or other proper officer according to the commands thereof; and pay over all monies when collected by him, to the justice of the peace or the person lawfully authorized to receive the same; and in the execution of all process, he shall be governed by the same regulations, and subject to the same penalties, prescribed by law for sheriffs.

SEC. 32. Every constable or other officer, who shall receive any money upon any execution directed to him by any justice of the peace, and shall not pay the same to the justice or person legally authorized to receive the same, upon the return of the execution, may be proceeded against by motion before such justice, in the same manner as provided by law against sheriffs, before the courts of the republic.

SEC. 33. Every constable who shall demand and receive any fee or compensation to which he is not by law entitled, shall, for every such offence, forfeit and pay to the party injured, one hundred dollars, recoverable by motion before the county court, ten days previous notice being given to such constable.

SEC. 34. Any person duly elected constable, who shall neglect or refuse to discharge the duties of the office, shall forfeit and pay for the use of the county treasury, the sum of fifty dollars, recoverable by motion, before the county court.

SEC. 35. It shall be the duty of the chief justice of the county court, to cause elections to be held in their respective counties, for the election of all the various county officers created by this act, or any other act of this congress.

SEC. 36. And be it further enacted, &c. That the sheriffs of the respective counties, shall be collectors of taxes in said counties; and it shall be their duty, at the same time and in the same manner, and to the same person that they give their bond as sheriffs, to give an additional bond as collector of taxes, in the sum of five thousand dollars, to be augmented at the discretion of the county courts for their respective counties.

SEC. 37. And be it further enacted, &c. That said sheriff and collector shall, for the first one thousand dollars which he may collect in the taxes of any one year, receive as his compensation for the same, five per cent; and for all additional sums, two and a half per cent.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 20, 1837.

SAM. HOUSTON.

AN ACT

Punishing Crimes and Misdemeanors.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That every person owing allegiance to this republic, who shall levy war against it, or adhere to its enemies, giving them aid and support, or shall carry on any treasonable or treacherous correspondence with them, shall be deemed guilty of treason, and on conviction thereof by the testimony of two credible witnesses to the same overt act, of which such person shall be indicted, or upon the voluntary confession of the party accused, in open court, shall suffer death.

SEC. 2. Every person of sound memory and discretion, who shall wilfully and maliciously kill any person within this republic; or shall aid, abet, or instigate the killing of any person as aforesaid, shall be deemed guilty of murder, and on conviction thereof, shall suffer death.

SEC. 3. Every person who shall kill another without premeditated malice, shall be deemed guilty of manslaughter, and on conviction thereof, shall be imprisoned such length of time as shall be adjudged by the court, not being less than one year nor more than ten years, and may be branded with the letter M, in such place as the court shall direct.

SEC. 4. Upon all indictments for murder or manslaughter, if it shall be found by the verdict of a jury, that the party indicted, killed the person for whose death he is indicted, in the lawful defence of himself or his family, or happen to kill the person as aforesaid, in attempting, by lawful means, to arrest the person killed for any treason or other high crime or misdemeanor, done and committed or hereafter to be done and committed, or in the discharge of any duty required by law or by misfortune, then and in that case, the party indicted, shall be for the same fully acquitted and discharged.

SEC. 5. Every person who shall wilfully and maliciously burn any dwelling house, store, cotton gin, or authorize, shall be deemed guilty of arson, and on conviction thereof, shall suffer death.

SEC. 6. Every person who shall steal or entice away any slave, out of or from the possession of the owner or owners of such slave, shall be deemed guilty of felony, and on conviction thereof, shall suffer death.

SEC. 7. Every person who shall by force or violence, have sexual connexion with another, contrary to the will of such person, shall be deemed guilty of rape, and on conviction thereof, shall suffer death.

SEC. 8. Every person who shall by force or violence, feloniously take from the person of another, any goods, money, or other article of value, shall be deemed guilty of robbery, and on conviction thereof, shall suffer death.

SEC. 9. Every person who shall break and enter into any dwelling house or store, by night, and feloniously take therefrom any goods, chattels, money or other articles of value shall be deemed guilty of burglary, and on conviction thereof, shall suffer death.

SEC. 10. Every person who shall be accessory before the fact to any murder, arson, rape, robbery or burglary, on conviction thereof, shall suffer death.

SEC. 11. Every person who shall be accessory after the fact to any murder, arson, rape, robbery or burglary, shall on conviction thereof, be fined in any sum not exceeding one thousand dollars at the discretion of the court, and may receive thirty-nine lashes on the bare back at the discretion of the court.

SEC. 12. Every person who shall feloniously take, steal and carry away any goods, chattels, moneys or other article of value, under the value of twenty dollars, or shall be accessory thereto, shall be deemed guilty of petit larceny, and on conviction thereof, shall restore to the owner the goods, chattels, money or other article of value so stolen, or pay the value thereof to such owner, and shall receive any number of lashes on the bare back, not exceeding thirty-nine at the discretion of the court.

SEC. 13. Every person who shall feloniously take, steal and carry away any goods, chattels, money or other article of value, over the value of twenty dollars, or shall be accessory thereto, shall be deemed guilty of grand larceny, and on conviction thereof, shall restore to the owner the goods, chattels, money, or other article of value so stolen, or pay the value thereof to the owner, and shall receive thirty-nine lashes on the bare back, and be branded in the right hand with the letter T, and may be imprisoned not exceeding one year, at the discretion of the court.

SEC. 14. Every person who shall receive or buy any goods, chattels, money or other article of value, feloniously taken or stolen from any person, knowing the same to have been so taken

or stolen, or shall receive, harbor or conceal any felons or thieves, knowing them to be such, shall on conviction thereof, restore the goods, chattels, money or other article of value so received or bought, or pay double the value thereof, and shall receive thirty-nine lashes on the bare back.

SEC. 15. Every person who shall feloniously take or steal any horse, mare or gelding, foal or filly, ass or mule, shall on conviction thereof, restore the property so stolen, or pay the value thereof, which shall be adjudged by the jury trying such offender, and shall be fined in a sum not exceeding one thousand dollars, at the discretion of the court, and shall receive thirty-nine lashes on the bare back, and shall be branded with the letter T, in such place as the court shall direct, and may be imprisoned for a term not exceeding one year, at the discretion of the court.

SEC. 16. Every person who shall receive or buy any horse, mare or gelding, foal or filly, ass or mule, that shall have been feloniously taken or stolen, knowing the same to have been so taken or stolen; or shall harbor or conceal any horse or mule stealer, knowing them to be such, shall on conviction thereof, by the testimony of one or more creditable witnesses, suffer the punishment of fine, whipping and branding, as prescribed in the preceding section, and may be imprisoned for any term not exceeding six months, at the discretion of the court.

SEC. 17. Every person who shall feloniously take or steal any neat cattle, hog, sheep or goat, shall on conviction thereof, pay to the owner the full value of such property, which shall be adjudged by the jury trying such offender, and shall receive thirty-nine lashes on the bare back.

SEC. 18. Every person who shall assault another with intent to commit murder, rape or robbery, shall on conviction thereof, be fined at the discretion of the court, and be imprisoned for a term not less than one nor more than five years, at the discretion of the court.

SEC. 19. Every person who shall on oath or affirmation before any judicial or other officer authorized by law to administer oaths, wilfully and maliciously swear falsely, shall be deemed guilty of perjury, and on conviction thereof, shall be fined in a sum not exceeding one thousand dollars, at the discretion of the court, and shall receive fifty lashes on the bare back, and be thereafter incapable of giving testimony in any court of this republic, until such time as the judgment against such offender be removed.

SEC. 20. Every person who shall unlawfully and corruptly, cause or procure any person to commit perjury, shall be deemed guilty of subornation of perjury, and on conviction thereof, shall be punished in the same manner as prescribed in the preceding section for perjury.

SEC. 21. Every person who shall wilfully and maliciously cut, maim, or otherwise injure or disable the body of another, shall on conviction thereof, be fined in any sum not exceeding one thousand dollars, and may receive any number of lashes not exceeding thirty-nine, at the discretion of the court.

SEC. 22. Every legally married person who shall marry another person, the former husband or wife being alive, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be imprisoned for a term not exceeding two years, and be fined at the discretion of the court: provided, that nothing in this section shall extend to any person whose husband or wife shall have absented himself or herself, the one from the other for a period of five years together, the one of them not knowing the other to be living within that time, nor to any person who shall at the time of such marriage, have been legally divorced.

SEC. 23. Every man and woman who shall live together in adultery or fornication, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined in any sum not less than one hundred nor more than one thousand dollars, and may be imprisoned for any term not exceeding one year, at the discretion of the court.

SEC. 24. Every person who shall counterfeit, or cause or procure to be forged or counterfeited, or shall wilfully aid or assist in the forging or counterfeiting, any gold or silver coin, which now is or hereafter may be in circulation in this republic, or shall falsely utter, pay or offer in payment or sale, any such forged or counterfeited coin, knowing the same to be forged or counterfeited, shall on conviction thereof, suffer death.

SEC. 25. Every person who shall falsely make, utter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or wilfully aid or assist in the false making, altering, forging or counterfeiting any letters patent, gift, grant, bond, writing obligatory, bill, order or acceptance, of such bill or order, note of any bank within or without this republic, receipt, promissory note, will, indenture, deed or contract, with intention to defraud any person, or shall utter, put off or offer, or cause the same to be put off, uttered or offered in payment

or for sale, with intention to defraud any person, knowing the same to be false, altered, forged or counterfeited, shall on conviction thereof, suffer death.

SEC. 26. Every person who shall feloniously steal, take away, deface, utter or falsify any record, writ, process, or other proceedings, in any of the courts of this republic, or any office for record, shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, at the discretion of the court, and shall receive fifty lashes on the bare back, at the discretion of the court.

SEC. 27. Every person who shall mark or brand any unmarked or unbranded horse, mare or colt, ass, neat cattle, sheep, hog or goat, not being his own property, and without the consent of the owner, shall on conviction thereof, pay a fine not exceeding fifty dollars, for every animal so marked or branded, and may receive any number of lashes on the bare back, not exceeding thirty-nine at the discretion of the court.

SEC. 28. Every person who shall alter or deface the mark or brand of any horse, mare, colt or mule, ass, neat cattle, hog, sheep or goat, not his own property, and without the consent of the owner, shall on conviction thereof, pay a fine not exceeding fifty dollars, for every animal so altered or defaced, and shall receive thirty-nine lashes on the bare back, at the discretion of the court.

SEC. 29. Every person who shall sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased; or any baker, brewer, distiller or other person, who shall sell unwholesome food or drink, shall on conviction thereof, be fined in such sum as shall be adjudged by the court before which such offender is tried; and for the second offence, shall, in addition to such fine, receive thirty-nine lashes on the bare back.

SEC. 30. Every person who shall bear false witness, wilfully and of purpose, to take away any person's life, and the life of any person be taken away in consequence of such false witness, he shall on conviction thereof, suffer death. But if no person's life shall be taken in consequence of such false witness, he shall, on conviction as aforesaid, be punished as in this act is prescribed for the punishment of perjury.

SEC. 31. Every person who shall steal or sell any free person for a slave, knowing the person so stolen or sold to be free, shall on conviction thereof, suffer death.

SEC. 32. Every person who shall cut, fell, alter or remove,

or cause to be cut, felled, altered or removed, any certain boundary, tree or other allowed land mark, to the wrong of any other person, shall on conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars, and may receive any number of lashes on the bare back, not exceeding thirty-nine at the discretion of the court.

SEC. 33. Every person prosecuted for writing or publishing any libel, shall be allowed upon the trial, to give in evidence, in his defence, the truth of the matter contained in the publication charged as libellous.

SEC. 34. Every person convicted of writing or publishing a libel, to be fined in such sum, and be imprisoned such length of time, as shall be adjudged by the court before whom such conviction shall be had.

SEC. 35. No man shall marry his mother, his father's sister, his mother's sister, his sister, his daughter, the daughter of his brother or sister, the daughter of his son, or daughter, his father's wife, his son's wife, his wife's daughter, the daughter of his wife's son, or daughter. No woman shall marry her father, her father's brother, her mother's brother, her brother, her son, the son of her brother or sister, the son of her son or daughter, her mother's husband, her daughter's husband, her husband's son, the son of her husband's son, or daughter. Whoever shall commit any offence mentioned in this section, shall be deemed guilty of incest, and on conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and shall be imprisoned not exceeding two years, at the discretion of the court.

SEC. 36. No person shall be appointed to or exercise the powers of any office, of honor, trust or profit, in this republic, who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors.

SEC. 37. Every person who shall knowingly or wilfully obstruct, resist or oppose any officer of this republic in serving or attempting to serve or execute any legal or judicial process whatsoever, or shall assault or wound any officer, or other person duly authorised in serving or executing any process as aforesaid, shall on conviction thereof, be imprisoned not exceeding one year, and shall be fined not exceeding one thousand dollars at the discretion of the court.

SEC. 38. Every person who shall by force set at liberty or release any person convicted of any capital offence, shall on conviction thereof suffer death.

SEC. 39. Every person who shall by force set at liberty

or rescue any person committed for any offence, before the conviction of such person, shall on conviction thereof be fined not exceeding one thousand dollars, and shall be imprisoned not exceeding one year, at the discretion of the court.

SEC. 40. Every jailor or prison keeper who shall voluntarily suffer any prisoner committed to his charge to escape, shall, on conviction thereof, suffer the same punishment and penalties, as the prisoner so escaping should have suffered, had he been convicted of the crime with which he stood charged, and every jailor or prison keeper, who shall through negligence, suffer any criminal to escape, shall, on conviction thereof, be fined at the discretion of the court, before whom such conviction shall be had.

SEC. 41. Every person convicted of an offence, the punishment of which is (in whole or in part,) fine and imprisonment by this act, who shall be convicted a second time or oftener for a like offence, shall be sentenced to pay at least double the fine, and be imprisoned at least double the time which may have been adjudged against such offender, on the first conviction.

SEC. 42. No person accused of any criminal offence shall be set at liberty before his trial, on account of any irregularity or informality, in the warrant of commitment, nor after arraignment, on account of any error or imperfection in the indictment or information, but the same proceedings shall be had again as though such person had never been arraigned.

SEC. 43. Every person indicted for a capital crime shall have a copy of the indictment, and a list of the jury who are to pass upon his case delivered to him, at least two entire days before his trial, shall commence, and every person accused and indicted, shall be allowed to make his full defence by counsel; and the court before whom such person is to be tried, shall, at his request, assign such counsel not exceeding two, as he shall desire, who shall have free access to the accused at all seasonable hours; and every person so accused and indicted shall have the like process to compel the attendance of their witnesses as is granted to compel the attendance of witnesses on behalf of the republic.

SEC. 44. If any person arraigned for any crime shall not answer to the indictment, the plea of not guilty shall be entered for them on the record, and the court shall proceed to the trial of such person in the same manner as if they had pleaded not guilty.

SEC. 45. No person shall be prosecuted, tried or punished for any offence, murder, arson, forgery, counterfeiting and larceny excepted, unless the indictment, presentment or information for the same be found or exhibited within one year next after the offence shall be done or committed, nor shall any person be prosecuted for any fine or forfeiture under a penal statute, unless the prosecution for the same shall be commenced within twelve months from the time of incurring the fine or forfeiture: provided, that nothing contained in this section shall extend to any person absconding or fleeing from justice.

SEC. 46. The lands, tenements, goods and chattels of any person convicted of any crime or misdemeanor shall be liable and subject in preference to all other demands whatsoever in the first place in the discharge of the expenses incurred by the republic or county in the prosecution and conviction of such offender, and in the next place to what restitution or reparation may be adjudged to the injured party.

SEC. 47. For all fines assessed and costs of prosecution in criminal cases not capital, the person convicted may stand committed to prison by order of the court until such fine and costs be paid; and when it shall be made to appear to the court that the person so committed hath no estate or means to pay such fine and costs, it shall be the duty of the court to discharge such person from further imprisonment from such fine and costs as in its discretion may deem proper.

SEC. 48. All recognizance taken for any breach of the peace or in any case whatsoever, where a recognizance may be necessary, shall be made payable to the president of the republic of Texas.

SEC. 49. All fines and forfeitures which shall be incurred under this act shall be collected by the sheriff of the proper county and paid by him into the treasury of the republic.

SEC. 50. It shall be the duty of every sheriff and other person having authority for keeping prisoners, to certify the names of all such prisoners in their keeping, to the next term of the court having cognizance of the offence with which such prisoners stand charged.

SEC. 51. All persons shall beailable by sufficient security, unless for capital crimes where the proof is evident, or presumption strong, by any justice of the peace, before whom the offender may be brought, before commitment, or by any judge of the district or supreme court after commitment.

SEC. 52. The manner of inflicting the punishment of

death shall be by hanging the person convicted by the neck until dead.

SEC. 53. All fines and penalties in prosecution for criminal offences, or for the violation of any penal statute shall be assessed by the court before whom the offender may be tried on the return of a verdict of guilty by the jury empaneled in such prosecution.

SEC. 54. All offences known to the common law of England as now understood and practiced, which are not provided for in this act, shall be punished in the same manner as known to the said common law.

SEC. 55. Every person who shall kill another in a duel, shall be deemed guilty of murder, and on conviction thereof shall suffer death.

SEC. 56. Every person who shall be the bearer of any challenge for a duel, or shall in any way aid or assist in any duel, shall, on conviction thereof, be fined and imprisoned at the discretion of the court before whom such conviction may be had.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 21, 1836.

SAM. HOUSTON.

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### JOINT RESOLUTION,

For the relief of the late Comptroller and the Clerks of the different departments, under the Government ad interim.

Resolved by the Senate and House of Representatives of the Republic of Texas, in congress assembled, That the assistant clerks who served in the war, navy, treasury or state departments, of the government ad interim, be, and are hereby allowed, four dollars per day for the time they may have served, in either of the above departments, and the auditor, on production of satisfactory evidence shall audit the same.

Resolved, That the late comptroller of the republic of Texas, be, and he is hereby allowed the same salary in proportion to the time he has acted as such, as is now allowed by law, to

the treasurer, and the said comptroller is hereby authorised, and required to deliver over to the treasurer all books, papers, documents, and things appertaining and belong to said office.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 21, 1836.

SAM. HOUSTON.

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### JOINT RESOLUTION,

In relation to the Hon. John Woodward.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That this congress have no right to interfere in the vested rights of any individual, and that the judiciary is the umpire to decide the contested claims of individuals.

Resolved, That the services rendered the cause of liberty in Texas, by the Hon. John Woodward, of the city of New York, is gratefully acknowledged by this congress, and that his worth and virtues render his acquisition as a citizen highly desirable by this congress.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 21, 1836.

SAM. HOUSTON.

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### AN ACT

Appropriating Lands, to keep in operation the Post Office Department, during the year 1837.

Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That all persons who may hold legal demands against the post office department of this republic, due them on contracts with the post master general, for

transporting the mail any time during the year eighteen hundred and thirty-seven, shall be entitled to, and may take the same in land at fifty cents per acre, and by paying office fees, and for surveying: Provided, it shall not be located in tracts of not less than three hundred and twenty acres, in the form of a square; or if laid on a principal water course, to front it half the distance of the perpendicular; and the certificate of the postmaster general, shall be good evidence of all such claims, in any land office of this republic: and, further provided, that no person entitled to lands under this act, shall be at liberty to locate the same, until the expiration of six months after the land office shall have been opened.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 21, 1836.

SAM. HOUSTON.

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AN ACT

Supplementary to an act, for the punishment of Crimes and Misdemeanors.

SEC. 1. Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That if any person or persons shall introduce any African negro or negroes, contrary to the true intent and meaning of the ninth section of the general provisions of the constitution, declaring the introduction of African negroes into this republic, to be piracy, except such as are from the United States of America, and had been held as slaves therein, be considered guilty of piracy; and upon conviction thereof, before any court having cognizance of the same, shall suffer death, without the benefit of clergy.

SEC. 2. Be it further enacted, That if any person or persons shall introduce into the republic of Texas, any Africans or any slave or slaves, from the United States of America, except such slave or slaves as were previously introduced and held in slavery in that republic, in conformity with the laws of that gov-

ernment, shall be deemed guilty of piracy, and upon conviction thereof, before any court having cognizance of the same, shall suffer death.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 21, 1836.

SAM. HOUSTON.

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### AN ACT

Establishing the jurisdiction and powers of the District Courts.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the republic of Texas shall be divided into four districts, and one judge shall be elected to each district, by joint vote of both houses. who shall, after his appointment, reside in some one of the counties of which his district is composed, and shall hold a court in each, at the court-house or such other place as may be designated by law, at the times and in the manner hereafter prescribed, and shall be commissioned by the president.

SEC. 2. A district court shall be held in each county twice in each year, and shall commence on the days, and may continue for the time specified, that is to say:—In the county of Nacogdoches, on the first Monday in March and September, and may continue in session two weeks and no longer; in the county of Jasper, on the third Monday in March and September, and may continue six days and no longer; in the county of San Augustine, on the fourth Monday in March and September, and may continue two weeks and no longer; in the county of Sabine, on the second Mondays after the fourth Mondays in March and September, and may continue six days and no longer; in the county of Shelby, on the third Mondays after the fourth Mondays in March and September, and may continue six days and no longer; and in the county of Red River, on the fourth Mondays after the fourth Mondays in March and September, and may continue two weeks and no longer. The district courts shall be held in the county of Jefferson, on the first Mondays in March and September and may continue six days and no longer; in the county of Liberty, on the second Mondays in March and

September, and may continue six days and no longer; in the county of Harrisburg, on the third Mondays in March and September, and may continue six days and no longer; in the county of Brazoria, on the fourth Mondays of March and September, and may continue two weeks and no longer; in the county of Matagorda, on the second Mondays after the fourth Mondays in March and September, and may continue six days; and in the county of Jackson, on the third Mondays after the fourth Mondays in March and September, and may continue six days. The district courts shall be held in the county of Austin, on the first Mondays in March and September, and may continue in session six days; in the county of Washington, on the second Mondays in March and September, and may continue six days; in the county of Milam, on the third Mondays in March and September, and may continue six days; in the county of Mina, on the fourth Monday in March and September, and may continue six days; in the county of Colorado, on the first Mondays after the fourth Mondays in March and September, and may continue in session six days; and in the county of Gonzales, on the second Mondays after the fourth Mondays in March and September, and may continue in session six days. The district courts shall be holden in the county of Bexar, on the third Mondays in April and October, and may continue in session six days; in the county of Victoria, on the fourth Mondays in April and October, and may continue in session six days; in the county of Goliad, on the first Mondays after the fourth Mondays in April and October, and may continue six days; in the county of Refugio, on the second Monday after the fourth Mondays in April and October, and may continue six days; and in the county of San Patricio, on the third Mondays after the fourth Mondays in April and October, and may continue in session six days; and in the absence of the judge of any of the said courts, the sheriff of the county shall adjourn the court from day to day for three days, at the end of which time, if the judge does not appear, the sheriff shall adjourn the court to the next court in course.

SEC. 3. If from any cause, a district court shall not be holden at any time thereof, or if from any cause, the business before such court may not be determined before the adjournment of said court, the said business of whatsoever nature remaining, so undetermined, shall continue of course to the next succeeding term.

SEC. 4. The district courts in the several counties of this republic, shall have original jurisdiction of all suits, of whatsoever nature or description, when the matter in controversy shall be one hundred dollars or upwards, and which are not expressly cognizable in some other court established by law; and shall have power to hear and determine all prosecutions in the name of the republic, by indictment, information, or presentment for treason, murder and other felonies, crimes and misdemeanors, committed within their respective jurisdictions, except such as may be exclusively cognizable before a justice of the peace, or in some other court of this republic; and shall, in criminal cases, have and exercise all the powers incident and belonging to a court of oyer and terminer and general jail delivery, and generally to do and perform all other acts, lawfully pertaining to a district court of this republic. And the judges of said courts and each of them, either in vacation or term time, shall have authority to grant writs of habeas corpus, mandamus, injunctions, supersedeas, and all other remedial writs known to the law, not repugnant to the constitution, returnable according to law, into the supreme court, or either of the said district courts, as the case may be.

SEC. 5. No person shall be sued out of the county in which he may reside, except in the following cases:—First, in the case of married women, who must answer in the county where her husband resides—Second, in cases where the defendant has inherited an estate, concerning which, suit is instituted—Third, in case where a person has contracted to perform an obligation in any particular county—Fourth, in case where the defendant has committed some crime or offence for which a prosecution or civil action in damages, may be commenced—Fifth, where the defendant is a transient person—Sixth, in case where the suit is for a slave, animal, or other moveable property, in which cases, the defendant may be sued, in whatever county he may be found, with said property—Seventh, in cases of guardians, tutors, curators and administrators of an estate—Eighth, in all cases of fraud and in cases of delinquencies on the part of public officers—Ninth, in case where land is the object of the suit—tenth, in case where there may be two or more defendants residing in different counties, in which case, it shall be lawful to institute the suit in the county where either of such defendants reside; and the clerk of the court in the county where such suit is instituted, shall direct a copy of the petition and writ to the sheriff of the

county where any such defendant may reside, which shall be by said sheriff executed and returned, as in other cases, to the court in which suit shall be instituted.

SEC. 6. No person shall be sued as endorser or security, unless suit has been first or simultaneously commenced against the principal; provided, the principal is within the jurisdiction of the courts of the republic.

SEC. 7. The style of all process, shall be the "republic of Texas," and shall be tested in the name of the clerk of the court from which the same may issue; and the clerk issuing the same, shall mark thereon, the day on which it shall be issued; and the sheriff or other officer receiving the same, shall mark thereon, in like manner, the day he shall have received it. And every clerk, sheriff, or other officer neglecting so to do, shall forfeit and pay the sum of two hundred dollars, to be recovered in any court having any cognizance thereof, with cost, by any person who shall sue for the same; and all original process and all subsequent process issued thereon, shall be returnable on the first day of the term next succeeding after the issuing of such process, and shall be executed at least five days before the return day thereon.

SEC. 8. It shall be the duty of the plaintiff or his attorney, in taking out a writ or process, to file his petition, with a full and clear statement of the names of the parties, whether plaintiff or defendant, with the cause of action, and the nature of relief, which he requests of the court; and the sheriff or other officer in executing the same, shall deliver to the defendant, a copy of said writ and petition; and if the sheriff or other officer shall fail or neglect to return any writ to him, directed on the first day of the term to which the same is returnable he shall be liable to be fined for a contempt of the court, in such sum as the court may think proper to inflict, and shall, moreover, be liable in damages, to the party aggrieved.

SEC. 9. The judges holding the courts aforesaid, shall so alternate, that no judge shall hold the courts in the same circuit for two courts in succession, unless called on to do so by the judge, whose duty it may be, to hold such circuit, on account of any inability to attend.

SEC. 10. All process heretofore issued for an amount of one hundred dollars and upwards, returnable to the courts of the first instance, created by the laws of eighteen hundred and thirty-four, shall, by the judge of said court in each county, be

returned to the first term of the district court of their counties respectively. And any judge of the first instance, neglecting or refusing to comply with the provisions of this act, shall be considered guilty of a high misdemeanor, and on conviction before any court having cognizance of the same, be fined in the sum of two thousand dollars; and shall, moreover, be liable in damages, to the party aggrieved. And it shall be the duty of the judges of the first instance, to transmit all causes now pending in their courts, for a less amount than one hundred dollars to the respective magistrates, in whose district the defendants may reside, under the penalties above expressed.

SEC. 11. The judges of the district courts of their respective districts, shall have power to change the venue for the trial of any suit, civil or criminal, on good and sufficient cause set forth and duly supported by oath or affirmation; and when a change of venue shall be allowed in any suit, the trial thereof shall be adjourned to the nearest adjoining county, which is free from the like exceptions: Provided, that such change of venue shall, in no instance, be allowed more than once in the same cause or suit; and in criminal prosecutions, the right to the change of venue, shall be confined to the party prosecuted.

SEC. 12. The judges of the district courts in their respective districts, shall set apart particular days of each term, for the trial of criminal cases; and all fines inflicted and forfeitures accruing in the several district courts, shall go to and be applied to the use of the county in which they may be thus inflicted or shall accrue; and the said judges, at their discretion, shall have power, on the application of any person charged with a criminal offence, to hold a special session for the trial of such person; and the said judge shall direct the sheriff of the county in which such special session shall be holden, to return thereto, twenty-four persons, qualified to act as jurors, who shall be selected in the manner prescribed by law; any or all of whom failing to attend, or being challenged, or set aside, a jury of the bystanders shall be empanelled for the trial of the cause.

SEC. 13. The clerks of the several district courts shall give bond, with security, to be approved of by the county court, payable to the president and his successors in office, in the penalty of five thousand dollars, for the safe keeping of the records, and the faithful discharge of the duties of his office, which bonds shall be lodged in the office of the secretary of state, and may be put in suit on the assignment of the president, by the party or

parties injured in his or their own name, and shall not become void upon the first recovery, but may from time to time, be put in suit until the whole penalty be recovered.

SEC. 14. The records of respective courts for each preceding day of the session, shall be read in open courts on the morning of the succeeding day, except on the last day of the term on which day, they shall be signed by the judge or judges presiding, in said court.

SEC. 15. Any party may appeal from any final judgment or decree of any district court, during the term at which the judgment or decree was rendered, to the supreme court, provided, the amount in controversy, amounts to three hundred dollars, upon entering into bonds and security, to be approved by the court, in double the amount of the debt or damages in the said suit, for prosecuting the same with effect, or performing the judgment, sentence or decree, which the supreme court, shall make or pass thereon, in case the applicant shall have the case decided against him.

SEC. 16. In all suits or actions, real, personal or mixed, if there be two or more plaintiffs or defendants, and one or more of them should die, if the cause of action should survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the suit or action shall proceed in the name of the surviving plaintiff or plaintiffs against the surviving defendant or defendants; and in all suits or actions commenced, when either party shall die between verdict and judgment, the judgment shall be entered, as if both parties were living; and if, on the death of any plaintiff, in actions which survive, before verdict, the heir, legatee or devisee, executor or administrator or legal representative of such deceased party, shall not appear voluntarily on the return of a notice of said death executed, and become a party to such action on or before the second term of the court next after the death of such party shall have suggested on the record, such action shall be discontinued, unless good cause be shown to the contrary.

SEC. 17. When any original process shall issue out of any court in this republic, the plaintiff, at the return of such process, or any time thereafter, before final judgment, shall upon the motion of any person interested, be ruled to give sufficient security for all costs accruing in such suit or action; and if such plaintiff shall fail to give such security, being thereto required within sixty days, the suit shall be dismissed, and execution may issue against the plaintiff, for all such costs.

SEC. 18. A new trial may be granted in all cases, on such terms and conditions as the court shall direct; and no more than two new trials shall be granted to either party in the same cause.

SEC. 19. When in the record of any judgment or decree of any court, there shall be any mistake, the judge of said court may, in open court, amend such judgment or decree, according to the truth and justice of the case; but in all cases, the opposite party shall have notice of the application for such amendment.

SEC. 20. Every court shall have power and authority to permit amendments to be made in all proceedings whatsoever, before verdict, so as to bring the merits of the question between the parties, fairly to a trial. Every person who shall have cause of action against another, and who, before the clerk, shall swear that he is too poor to pay the fees of office, shall be entitled to receive from such clerk, all such process as may be necessary to enable him to prosecute such suit, free of costs. And it shall be the duty of the judge, to appoint counsel for such person, who shall attend to the said case without any fee or reward; and in case any defendant in any case, either civil or criminal, shall swear he is too poor to employ counsel, the court shall appoint him counsel, who shall, in like manner, attend to the same, without any fee or reward.

SEC. 21. The said court shall have power to hear and determine all motions, on giving three days notice to the adverse party, against sheriffs, coroners or other officers, for money received under execution or other process or order of the court, which shall not be paid to the party entitled to the same, his agent, or attorney, on demand. And all motions against attorneys and counsellors at law for failing or refusing to pay money received for their clients, and to give judgment according to the laws in such cases made and provided, and under execution accordingly, either party may take exceptions to the opinion of the judge, on any matter of law, and may file a bill of exceptions to the same; and it shall be the duty of the judge to sign such bill of exceptions, which shall be sent up to the supreme court in the same manner, and on the same conditions, as presented in the cases of appeal.

SEC. 22. In all suits or actions, the clerk at the request of either party, shall issue subpoenas for witnesses, directed to the sheriff or other officer of the county where such witness or witnesses are said to reside, whose duty it shall be to execute

the same, mentioning the time and place of his and their appearance, the names of the parties to the suit wherein testimony is to be given, and the party at whose instance such witness is summoned, and every subpoena may be made returnable immediately.

SEC. 23. Every witness summoned to any court, shall attend from day to day and from term to term, until discharged, by the court; or the party summoning him; and any witness failing to appear, and attend as herein required, may be fined by the court, in a sum not exceeding one hundred dollars, and shall be liable to the action of the party summoning him, to the full damages which he may sustain for want of the testimony of witness. Every witness shall receive as a compensation one dollar and a quarter per day, that he shall so attend, and six cents for every mile that he shall travel in going and returning, and shall receive from the clerk of the court a certificate for the same, which shall be taxed, and collected as costs. In criminal prosecutions the same rule shall apply to witnesses as is required in civil cases, they shall receive the same compensation, and the same certificate, which shall be paid by the defendant on conviction, or if on conviction the defendant shall be unable to pay the costs, the witness appearing on behalf of the republic, shall be paid out of the treasury of the same, and the certificate of the clerk shall be a sufficient voucher to authorise the proper officer to issue his warrant on the treasurer for the said sum: but there shall not be allowed in the bill of costs, a charge for more than two witnesses, for the proof of any one particular fact.

SEC. 24. Witnesses shall be privileged from arrest in all cases except treason, felony and breaches of the peace, during their attendance on any court, and in going to and returning therefrom, allowing one day for every twenty-five miles from their place of abode.

SEC. 25. Any witness refusing to give evidence upon oath or affirmation to the best of his or her knowledge, shall be committed to prison by the court or other person authorized to take his or her testimony, there to remain without bail until he or she shall give such evidence.

SEC. 26. All negroes, mulattoes, Indians, and all other persons of mixed blood, descended from negro or Indian ancestors, to the third generation inclusive, though one ancestor of each generation may have been a white person, shall be incapa-

ble in law to be witnesses in any case whatsoever, except for and against each other.

SEC. 27. When any witness shall be about to depart the country, or by age, sickness or otherwise, shall be unable to attend the court, upon affidavit thereof in open court, or before the clerk in his office, or before any judge or justice of the county; the clerk of the court in which any suit is or may be depending, may, on request of either party, issue a commission for taking the deposition of such witness, to be read as evidence at the trial, in case the witness should be unable to attend; but the party obtaining such commission shall give reasonable notice to the other party, of the time and place of taking the deposition, otherwise, the same shall be null and void.

SEC. 28. When any plaintiff or defendant in any suit depending in any court of this republic, shall wish to have the benefit of the testimony of any of the judges of the supreme court, or any other officer of the government, who, on account of his official duties cannot attend court to give testimony on the trial of such suit, the party wishing the benefit of the testimony of such judge or other officer, may, on application to the clerk of the court in which suit is depending, obtain a commission to take the deposition of such judge or other officer, which shall be read in evidence on the trial of such case; provided, the adverse party have reasonable notice of the time and place of taking such deposition or depositions.

SEC. 29. When either plaintiff or defendant to any suit pending in court, shall desire to take the testimony of any witness absent from or residing without the limits and jurisdiction of the republic, such party may take the same by interrogations on making oath or affirmation, as the case may be, of the residence or absence as aforesaid, of such witness, before any one of the judges or clerk of the court; and also that he believes the testimony material to his claim or defence; and the said judge or clerk shall issue a commission to two or more commissioners to cause the witness or witnesses named in such commission, to appear before them at such time and place as they shall direct; provided, that the party applying for such commission shall file his, her, or their interrogatories in the clerk's office, and serve the opposite party, or his, her or their attorney, with a copy thereof with notice of the day on which the commission will issue, at least ten days before the commission shall issue, in which time the opposite party may file his, her, or the interrogatories, and a certified copy of such interrogatories if any there be, shall ac-

company such commission, and if any deposition taken as aforesaid, shall contain any testimony but the answers to such interrogatories, the same shall be deemed surplusage and shall not be read in evidence; and any question put to the witness or witnesses in such interrogatories, and the answers thereto, shall be subject to all legal objections on the trial of the cause in which any deposition is taken as aforesaid, and may be admitted or rejected by the court in the same manner as if the witness or witnesses were present in court, which deposition must be sworn or affirmed to, and as such certified to by the commissioners or a majority of them, and shall be sealed up and directed to the clerk of the court from which the same issued, and shall be opened in open court, under the direction of the court.

SEC. 30. Any witness residing within this republic, after being duly summoned according to law, to appear before any court or at any other place, where his or her attendance may be lawfully required, shall fail or refuse to attend and testify, such court or other authority before whom such witness is summoned to attend, shall issue a warrant, or attachment directed to the sheriff or other proper officer of the county, where such witness is to be found, to compel his or her attendance.

SEC. 31. It shall be the duty of the judge of the first instance, in every county, and in his absence the second judge, and in his absence the alcalde, to take down in writing the name of every freeholder or householder in his county, which list shall be filed in the office of the clerk of the county, and district courts, and the names shall be separated and put in a box, kept by the clerk for that purpose; and there shall be drawn by the clerk and sheriff of each county from said box, in presence of the said judge or alcalde, one by one, the names of thirty-six persons, to serve as jurors at the next succeeding term of said court, which names so drawn shall be entered on record by the clerk, and the clerk shall issue a venire facias accordingly, returnable to the next term of said court, and it shall be the duty of the sheriff, at least five days before the term, to summon the jurors named in such venire facias, either by giving them personal notice, or leaving a written notice at their usual place of abode, to attend according to such summons; and every juror being summoned as aforesaid, who shall not attend, shall be liable to a fine, not exceeding one hundred dollars, unless good cause for his non-attendance be shown on or before the first day of the regular term next after such default; or before final judgment, on a notice issued against such defaulting juror; and if

good cause be shown, the fine shall be remitted without payment of costs.

SEC. 32. At the first session of any court, and ever afterwards, the jury shall be drawn in open court by the sheriff and clerk in the same way, and with the same conditions and penalties as prescribed in the foregoing section, and if for any cause the jury should not be so drawn, the said clerk and sheriff shall, in the presence of a justice of the peace, proceed to draw in like manner, the said jury so required; and in all cases if the person or persons so drawn shall have removed from the county, the drawing shall continue until a proper number of resident jurors are obtained, and the names of the jurors drawn shall be put into a separate box, to be kept separate until all are drawn; and if the clerk or sheriff shall be guilty of any fraud or partiality in such drawing, they shall be deemed guilty of a misdemeanor, and punished accordingly.

SEC. 33. From the whole number of jurors furnished as aforesaid, and attending the district court of any county, there shall be drawn by lot not more than twenty, nor less than thirteen, who shall constitute the grand jury, for the term of the court to which they are summoned, and shall be sworn to enquire of, and present all treasons, murders, felonies, or other misdemeanors whatsoever, which shall have been committed or done within the county for which they are empannelled. From the said grand jurors the court shall appoint a foreman, administer to him an oath in the presence of the other grand jurors. "You, a foreman of the grand jury shall diligently enquire into, and true presentment make, of all such matters and things as shall be given you in charge, or otherwise come to your knowledge touching the present service, you shall present no person through malice, hatred or ill will; nor shall you leave any unrepresented through fear, favor or affection, or for any reward, hope or promise thereof; but in all your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding, so help you God."—And the other jurors shall take the following oath: "The same oath that your foreman has taken before you on his part, you, and each of you, shall well and truly observe and keep on your parts, so help you God."

SEC. 34. No sheriff or other officer shall execute any suit or process on the body of any juror during his attendance, or going to and returning from any district or county court, and any process so executed shall be void.

SEC. 35. Should a sufficient number of jurors of the original panel not be in attendance, the grand jury or petit jury may, by order of the court, be filled up by the by-standers, who shall be sworn, as if of the original panel.

SEC. 36. The jurors for their services shall receive one dollar and a half each day they may serve, to be paid out of the county treasury, and shall receive a certificate in like manner, from the clerk as witnesses.

SEC. 37. If, during the trial of any civil case or criminal prosecution, the juror or jurors should for any cause become unable to serve, the sheriff, by order of the court, shall summon instantler such number of jurors as may be necessary to fill such vacancies, who shall be sworn as the other jurors, and the trial commenced *de novo*.

SEC. 38. In civil cases, either the plaintiff or defendant may challenge three jurors without shewing any cause for the same; and in all prosecutions for offences not capital, the party prosecuted shall have the right of challenging four jurors, without shewing any cause for the same, and in all prosecutions of a capital nature, the party prosecuted may challenge twenty jurors without shewing any reason for the same.

SEC. 39. The jurors belonging to the original panel who may be in attendance, shall be sworn in chief to try all causes that may be submitted to them during the term of said court; and a talisman shall be sworn separately to try each cause, or for the day as the court may determine, and any talisman summoned by the sheriff to attend as a juror, and refusing so to do, may be fined by the court in any sum not exceeding twenty dollars, and the clerk shall be ordered to issue execution forthwith for the same with costs.

SEC. 40. No person shall converse with a juror but by order of the court, after the jury shall have retired from the bar, and while they have a case under consideration.

SEC. 41. No person under the age of twenty-one, nor any person who is not a citizen of the republic of Texas, nor any person who is not a free-holder, nor any person who has been convicted of felony, perjury, or other offence punishable by stripes, pillory, or burning in the hand, shall be capable to serve on a jury for the trial of any cause, civil or criminal.

SEC. 42. All fines imposed on any juror under this act shall be collected by the sheriff, and paid into the county treasury of the proper county, for county purposes.

SEC. 43. No judge of any of the said courts shall charge

the jury as to the weight of evidence in any cause civil or criminal, but such judge may sum up the testimony, and shall charge the jury as to any matter of law arising thereon, and the judge of any district court may at his discretion, in any criminal case, reserve a question of law, which to him may appear novel or difficult, for the consideration and discretion of the supreme court at the next succeeding term, and the supreme court shall pronounce such sentence or judgment as the district court ought to have pronounced.

SEC. 44. It shall be the duty of the judge of any court to cause the judgment, sentence or decree of the court to be carried into execution agreeably to law.

SEC. 45. When by appeal or otherwise a case shall be taken from the district court to the supreme court, the clerk of the district court shall immediately make up a full and perfect record of all proceedings in such case, and shall, on the application of either party, give to such party an attested copy of such record, with a taxation of all costs that have accrued thereon, and shall endorse on such copy the day on which it was demanded, and the day on which it is delivered, and sign his name as clerk thereto; and if by reason of the delay or neglect of any clerk to give a transcript of the record, in any case aforesaid, the same shall not be filed in the supreme court in due time, or if the record be erroneously or incorrectly made up, so that the supreme court cannot proceed thereon to a final decision, such clerk shall in either case, upon conviction thereof, before any court of competent jurisdiction, be adjudged guilty of a misdemeanor in office, and shall be fined in a sum not exceeding two hundred dollars, for the use of the party entitled to such attested copy, and shall moreover be liable to an action for all damages the said party may sustain on account of said neglect or delay, provided, that if the supreme court shall think there is sufficient matter of substance in the record and proceedings, on any appeal or otherwise, to enable them to proceed to a final decision, the same shall not be dismissed for want of form, and in all cases where the supreme court shall be of opinion, that any appeal has been taken for delay, and that the party appealing had no probable good and sufficient reason for taking such appeal, then, in that case, the party appealing, if he be the defendant in the court below, shall be taxed ten per cent. damages, to the use and benefit of the plaintiff in the court below, besides interest, and cost of suit.

SEC. 46. In all cases decided in the district courts, the facts shall be found by the jury, and when they render their verdict, shall report in their verdict all the material facts of the case, which verdict and facts shall constitute a part of the records, and shall, in case of appeal, be sent to the supreme court, which facts so found shall be conclusive, and on such facts the supreme court will render their judgment or decree.

SEC. 47. There shall be one clerk of the district court in each county who shall be elected by the qualified voters for members of congress on the first Monday in February next; who shall hold his office for four years; and a clerk for each district court shall be elected pro tem. by the judge of the district court, to continue in office until his successor is duly elected and qualified, and in case of death, resignation, or vacation of office, the judge of the court shall have power to appoint a clerk pro tem. until a regular election shall be held.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 22, 1836.

SAM. HOUSTON.

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JOINT RESOLUTION,

Allowing pay to Chaplains.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the chaplains of the two houses of congress be, and are hereby entitled to the same per diem pay as members of congress, and the clerks are authorized to issue to them their certificates, for the term of their service.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 22, 1836.

SAM. HOUSTON.

## AN ACT

## Regulating Estrays.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That any person who shall take up any stray horse, mare, colt, mule, jack, or jenney, which shall be found on his or her plantation or land, shall forthwith give information thereof to some justice of the peace for the county, and make oath before said justice, that the same was taken up at his or her plantation, or place of residence, or his or her land adjoining the same, and that the marks or brands have not been altered or defaced, since the same was taken up: and thereupon the said justice shall issue his summons to two disinterested householders of the neighborhood, commanding them after being duly sworn, to value and appraise the same without partiality, favor or affection, and certify the valuation under their hands, together with a particular description of the animal, stature, marks, brands, color and age, which certificate shall be attested by the justice, who shall thereupon require the taker up to enter into bond with sufficient security in double the amount of the appraisement, payable to the judge of the county court and his successors in office, conditioned, that the taker up shall comply with the requisites of this act, which bond and appraisement shall be transmitted by him to the clerk of the county court within twenty days thereafter, to be by such clerk entered into a book to be kept for that purpose, for which the justice and the clerk shall each receive the sum of fifty cents to be paid by the taker up: provided, that if two or more strays of the same species are taken up by the same person at the same time, they shall be included in the same entry and one advertisement, the justice and the clerk shall receive no more fees than for one of such strays.

SEC. 2. And be it further enacted, That when any stray as aforesaid shall be found dead, or shall have escaped, the taker up shall, without delay, make report thereof to the clerk on oath, who shall make a memorandum of the same in the margin of his book, where the certificate of such stray or strays was registered; and the taker up shall not be answerable for the same, nor shall the taker up be liable for using said stray: provided, the same shall not have been abused.

SEC. 3. And be it further enacted, That when any stray shall be proven away, and the owner and the taker up cannot agree as to the expenses, application may be made by either

party to the next justice of the peace, who shall require two householders of the neighborhood who shall have the privilege of appointing an umpire and adjust the dispute, and their award shall be final.

SEC. 4. And be it further enacted, That if any person shall take or send away any stray out of the republic of Texas, on any pretence whatsoever, through fraud, or shall trade, swap or sell the same, under twelve months, he, she or they so offending, shall forfeit and pay double the amount of the appraisement of such stray or strays recoverable before any court of this republic having jurisdiction thereof, one half to the use of the informer, and the other half to the use of the county wherein the offence shall have been committed; and moreover shall pay the owner the amount of the appraisement, or if no owner appear, then to the county, subject to the regulation as hereinafter ordered under the sixth section of this act.

SEC. 5. And be it further enacted, That if any person shall take up or use a stray of whatsoever description, contrary to the meaning of this act, shall for every such offence forfeit and pay one hundred dollars, recoverable with cost in any court of this republic, having jurisdiction thereof, one half to the use of the county and the other half to the person suing for the same, and be answerable in a suit for damages to the party aggrieved.

SEC. 6. And be it further enacted, That the property of every stray or strays so taken up as aforesaid, twelve months after such appraisement, and not proven away by the owner thereof, shall be deemed vested in the taker up of the same; provided, nevertheless, that should the owner apply in eighteen months he shall receive the full amount of such appraised stray, one half from the taker up and the other half from the county, after paying all reasonable expenses; and provided, also, that the person so taking up, shall account for and pay into the hands of the clerk of the county, one half of the appraised value of all such strays, according to the true intent and meaning of this act, and if the taker up shall neglect to account with the said clerk for the same, he or she so failing, shall forfeit and pay the appraised value of all such stray or strays, to be recovered by action of debt before any court having cognizance thereof, and it shall be the duty of the clerk to commence suits respectively against all delinquents for the recovery of the same, and shall be entitled to receive five per centum on all money recovered and received, and the

balance, the said clerk is hereby required to pay over to the county treasury.

SEC. 7. And be it further enacted, That it shall and may be lawful for the former owners of any strays at any time, on proving their property, to demand and receive from the county treasurer one half of the value of any such strays appraised and accounted for as aforesaid, deducting therefrom the treasurer's commissions of two per centum, for receiving and accounting for the same.

SEC. 8. And be it further enacted, That it shall be the duty of the taker up of any stray horse, mare, colt, mule, jack or jenny, to cause the same to be exhibited on the first day of each term of the county court of the county next succeeding the time at which such stray shall be taken up, from eleven to three o'clock, that the owner may have an opportunity of claiming his property.

SEC. 9. And be it further enacted, That the clerk of each county of this republic shall keep a book, in which he shall register all certificates of strays delivered to him, and file the same in regular order. It shall be his duty to cause a copy of the certificate of appraisement, of every horse, mare, colt, mule, jack or jenny, to be published in the nearest newspaper, three times. It moreover, shall be the duty of the clerk, to make out a fair and correct list of all strays, and affix the same at the door of the court house of their respective counties, on the first day of each term of the county court, omitting only such strays as are proven away, escaped or dead, under the penalty of fifty dollars for such neglect or omission. The clerk shall receive as fees of office for advertising any horse, mare, colt, mule, jack or jenny, one dollar and printer's fees for advertising the same. And for every search of the stray books, twelve and a half cents, to be paid by the person applying to search.

SEC. 10. And be it further enacted, That at any time within twelve months, it may be lawful for the owner of any stray or strays taken up under the provisions of this act, to prove his or her property, by his or her own oath, or by the oath or affirmation of any other competent witness, in the following manner, to wit:—A certificate, giving a particular description of the animal claimed, and shall be made out, giving the kind, marks, brands, stature, color or age of such stray or strays as may be; which certificate shall be sworn to, and subscribed before any justice of the peace, and delivered to the taker up, to be filed in the clerk's office; and the deliverer of such certificate as before-

mentioned, and payment of all costs incurred, from the posting and keeping such stray or strays, shall deliver up the same to the proper owner.

SEC. 11. And be it further enacted, That in all cases of the division of counties, the stray or strays shall belong to the county wherein the same may be found, and shall be disposed of as other strays posted in said county.

SEC. 12. And be it further enacted, That any horse, mare, colt, mule, jack or jenny, that is branded or marked, or proven away, and which shall have been caught or driven in with wild horses, &c., shall be considered as strays; and the person for whom they were taken, shall pay the taker up the sum of ten dollars, provided the beast was caught from among the mustangs.

SEC. 13. And be it further enacted, That any person taking up any stray cattle, hogs, sheep or goats, shall proceed in the same manner and form, as in the first section of this act, provided for horses, &c.

SEC. 14. And be it further enacted, That all stock so taken up, the person who takes up the same, shall not be compelled to keep such stray or strays more than six months from the date of the appraisement; but shall be liable at the end of six months, for the payment of such moneys as by law he is required to pay; and that all money so paid for as stock, shall be governed by the same rules and restrictions as in the foregoing article of this act, except advertising in the newspaper; and the taker up shall not be bound to exhibit at the court house, any stray cattle, hogs, sheep or goats, but shall in lieu thereof, set up written advertisements at two of the most public places in his neighborhood, describing such stray or strays to have been taken up by him.

SEC. 15. And be it further enacted, That no person shall take up any such stray stock, except he, she or they take and subscribe the same oath as in the first section of this act.

SEC. 16. And be it further enacted, That all moneys paid for stock, shall be paid to the clerk at the end of six months, and are subject to the same rules and regulations as are prescribed in the second section of this act.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 22, 1836.

SAM. HOUSTON.

## AN ACT

To Establish a General Land Office for the republic of Texas.

SEC. 1. Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That there shall be and is hereby established a general land office, for chief officer of which shall be styled the commissioner of the general land office, who shall hold his office at the seat of government, whose duty it shall be to superintend, execute and perform all acts and things touching or respecting the public lands of the republic of Texas.

SEC. 2. And be it further enacted, That there shall be in the said office, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and be called the chief clerk of the general land office; who, in all cases, when the said principal office shall become vacant, during such vacancy shall have the charge and custody of the seal and all records, books and papers belonging to the said office.

SEC. 3. And be it further enacted, That the said principal officer and every other person to be appointed and employed in the said office, shall, before he enters on the duties of his office, take and subscribe the following oath of office: "I, A B, do solemnly swear or affirm, that I will honestly and faithfully discharge the duties of my office as \_\_\_\_\_ without favor or partiality, so help me God."

SEC. 4. And be it further enacted, That the said commissioner of the general land office shall cause a seal to be made, and provided for the said office, with such device, as the president of the republic shall approve; and copies of any records, books, or papers, belonging to the said office, under the signature of the said commissioner, or when the office shall become vacant, under the signature of the chief clerk; and the said seal shall be competent evidence, in all cases in which the original records, books or papers could be evidence.

SEC. 5. And be it further enacted, That the said commissioner shall forthwith, after his appointment, be entitled to the custody, and shall take charge of the said seal, and also, all the records, books and papers, in any way appertaining to the lands of the republic, and that may now be, in the care or possession of all empresarios, political chiefs, alcaldes, commissarios, or commissioners for issuing land titles, or any other person; and the

said records, books and papers shall become and be deemed the books and papers of the said office.

SEC. 6. And be it further enacted, That the said commissioner shall, when required by the president of the republic of Texas, or either house of congress, make a plat of any land surveyed under the authority of the government, and give such information respecting the public lands, and concerning the business of his office as shall be legally required.

SEC. 7. And be it further enacted, That in all cases in which land shall be hereafter given by the republic of Texas, for military services, warrants shall be granted to the parties entitled to such lands by the secretary of war, and such warrant shall be recorded in books to be kept by him for that purpose, and shall be located as is provided in this act.

SEC. 8. And be it further enacted, That all patents issuing from the said office shall be in the name of the republic of Texas, and under the seal of said office, and be signed by the president of the republic of Texas and countersigned by the commissioner of the general land office.

SEC. 9. And be it further enacted, That no person appointed to an office instituted by this act, or employed in any such office, shall directly or indirectly be concerned in the purchase of any right, title, or interest in any public land either in his own name, right, or in trust for any other person, or in the name or right of any other person in trust for himself, nor shall take, or receive any fee or emolument for negotiating or transacting the business of said office. And any person offending in the premises against the prohibition of this act, shall forfeit and pay one thousand dollars; and upon conviction shall be removed from office.

SEC. 10. And be it further enacted, That the commissioner of the general land office shall be appointed by the president, with the consent and advice of the Senate, and said commissioner of the general land office shall hold his office for three years, and shall be re-eligible. He shall receive an annual salary of three thousand dollars per annum, payable quarterly, out of any money in the treasury not otherwise appropriated. And the said commissioner shall have the privilege of sending, and receiving letters and packages, and also final certificates, and patents of land free of postage.

SEC. 11. And be it further enacted, That the commissioner of the general land office, shall be authorised to employ a sufficient number of clerks, provided that their annual compensation

shall not exceed in the whole, two thousand dollars per annum, and the said compensation shall be paid out of any monies in the treasury not otherwise appropriated.

SEC. 12. And be it further enacted, That there shall be established a land office, No. 1, at the house of George Wright, on Red River, for the district of Red River, which shall include all that country lying and situated within the following boundaries, viz: the line to begin at the mouth of the Sulphur fork of Red River, and run up that river to the crossing of the Trammel trace, thence on that trace to the Sabine river, thence up that river to its source, then due west to the Trinity river, thence up that river to its source, thence due north to Red River, thence down that river to the beginning. And a land office, No. 2, at San Augustine, for the counties of San Augustine, Jasper, Sabine and Shelby. One other land office, No. 3, at Liberty, for the counties of Jefferson, Liberty and Harrisburg. One other land office, No. 4, at Nacogdoches, for all that section of country which lies north of Liberty and east of the Trinity, not included in any other land office district. One other land office, No. 5, composing the counties of Brazoria, Matagorda and Jackson, to be located at the town of Matagorda. No. 6, composing the counties of Austin, Colorado and Washington, to be located at the town of Washington. No. 7, composing the county of Milam and all the country west of the Trinity, and east of the Brazos, not included in any other land district. No. 8, composing the county of Mina, and all the country west of the Colorado river, north of the La Bahia, road, and east of DeWitt's colony, to be located at the town of Mina. No. 9, composing all that tract of country heretofore embraced in the colony of DeWitt, to be located at the town of Gonzales. No. 10, also a land office to be located at San Antonio de Bexar, for all that tract of country west of DeWitt's and north of Power's colony. No. 11, a land office to be located at the town of Victoria, for all that country west of the district of Matagorda and south of Gonzales and Bexar.

SEC. 13. And be it further enacted, That the several surveyors general shall be appointed by the President, by and with the advice and consent of the senate; shall be commissioned by the president — may continue in office three years — eligible to a re-appointment—shall reside at the land office for which he is appointed; whose duty it shall be to furnish such regulations and instructions to their deputies, as may be furnished them from time to time by the commissioner of the general land office; shall ad-

minister oaths to the deputies as prescribed in the third section of this act; whose duty it shall be to examine the field notes and plats of all surveys which have been or may be made within the bounds of his authority, for the purpose of getting a patent for them, and see that they are correct; and shall certify the same on the same paper on which are the field notes; and shall carefully preserve in his office a copy of all such field notes and plats. And said surveyor general shall be entitled to charge persons presenting field notes and plats for his inspection, the following fees, viz: for every field note and plat of a survey which lies in a square or oblong shape, one dollar; for every survey which has more than four lines and less than eight, one dollar and fifty cents: over eight, and less than thirteen, two dollars; and for all which have more than twelve lines the sum of three dollars. And on application of any individual in person to any one of the surveyors general, and producing sufficient testimony of proper qualifications, he shall be deputed by the said surveyor general to survey any where within the bounds of his authority; for which deputation the depute shall pay the surveyor general the sum of three dollars.

SEC. 14. And be it further enacted, That there shall be one register of public lands, and one receiver of public monies for each district to be appointed by the president, with the advice and consent of the senate, for the term of three years eligible to a re-appointment; and for misconduct in office may be, suspended by the president; who shall hold their offices at such places as congress may by law direct. And the receiver shall enter into bond with good and sufficient security, to be approved of and certified by the chief justice of the county court, payable to the president and his successors in office, in the sum of ten thousand dollars, which bond shall not become void on the recovery thereof; conditioned well and truly to pay all such sums or funds that may be paid to him on account of the public funds, to the secretary of the treasury, for the use of the republic; and said bond shall be filed in the office of the secretary of the treasury; a certified copy of said bond from under his hand and seal shall be evidence in any court having competent jurisdiction, to recover judgment thereon, against such receiver of public monies.

SEC. 15. And be it further enacted, That any person who is legally entitled to a grant of land of the government, either by citizenship, heirship, or purchase, may apply in person, or by a duly qualified representative or agent, and by producing legal and

sufficient testimony of their claims to the register and receiver of the land office for the district in which they may live; or if an heir or heirs, or assignee, the district in which died the testator, or last lived the assignor; and the said register and receiver is hereby authorized to grant to such person so applying, an order of survey, directed to any legally authorized surveyor of the republic of Texas, for the amount of land to which they are entitled; stating in the said order of survey, at what time the said grantee emigrated to the country or is a native; for which order of survey the grantee shall pay to the register and receiver each the sum of one dollar; and the said register shall record all of said orders in a book, and at the end of every month, forward to the commissioner of the general land office a copy of the same. The said register shall also record in a book all powers of attorney or any other instrument of writing connected with the grant of orders of survey, for which the applicant shall pay for recording twelve and a half cents for every hundred words; all of which instruments shall be forwarded also to the commissioner of the general land office monthly; provided always, that any person applying for land as a settler, and claiming his head right as such, shall be required to take and subscribe the following oath or affirmation before receiving an order of survey; such oath or affirmation to be made before any person legally authorized to administer the same: "I do solemnly swear (or affirm) that I was a resident citizen of Texas at the date of the declaration of independence; that I did not leave the country during the campaign of the spring of one thousand eight hundred and thirty-six, to avoid a participation in the struggle; that I did not refuse to participate in the war; and that I did not aid or assist the enemy; that I have not previously received a title for my quantum of land—and that I conceive myself to be justly entitled under the constitution and laws to the quantity of land for which I now apply;" provided, that widows, females or orphans shall be, and are hereby exempt from the duties required by this section.

SEC. 16. And be it further enacted, That all persons claiming land for military services, and having a certificate of the same, or any order of survey emanating from the proper authorities, may apply directly to the deputy surveyor, and have his land surveyed; and said deputy surveyors are hereby authorized to survey for any person having such certificates or orders of survey, conformably to instructions: provided, that all persons

holding such warrants, certificates, or orders of survey, shall first present them to the register of the district in which he resides; who shall record the same in a book to be kept for that purpose, and forward copies to the surveyor general.

SEC. 17. And be it further enacted, That all surveys which have been or may hereafter be made, agreeably to law in all respects, and certified by the surveyor general for the district in which the land lies, as required in the eleventh section of this law, shall be patented; and the owners thereof, by depositing the same in the land office for the district in which the land lies, and paying to the receiver of the same, in addition to the government fees, the following fees of office, shall so soon as practicable, be furnished with a patent for said land or lands, viz:—For a patent to a league and a labor of land, five dollars; for a patent to a third of a league four dollars; for a patent to twelve hundred and eighty acres, four dollars; for a patent to nine hundred and sixty acres, four dollars; for a patent to six hundred and forty acres; four dollars; for a patent to three hundred and twenty acres, three dollars; for a patent to one labor of land, three dollars; all of which office fees shall be equally divided between the register and the receiver; and the several registers shall, upon the receipt in their office of all field notes of surveys, made out in the manner above required, immediately making out in such form and manner as the commissioner of the general land office shall instruct him, duplicate blank patents for said land or lands and forward the same to the commissioner of the general land office, who will immediately cause one of the duplicates to be executed as the law directs, and transmit it forthwith to the proper office, for the owner thereof, shall also reserve in the general land office, the duplicates of grants, and cause the same also to be recorded in a well bound book, to be kept by him expressly for that purpose. And the said grantees shall pay as government fees, the price as fixed by the colonization laws of Coahuila and Texas, in force at the time they emigrated to this country.

SEC. 18. And be it further enacted, That the price of surveying shall be three dollars for each Castillian lineal mile.

SEC. 19. And be it further enacted, That if any one of the officers who may be employed in the land office, should fail or refuse to do his duty as required by law, he shall upon conviction thereof, before any district court in this republic, forfeit and pay a penalty, of any sum not exceeding one thousand dollars, one moiety to the republic, and the other to the party aggrieved; and

any person so aggrieved, may sue the offender in any such court in this republic.

SEC. 20. And be it further enacted, That the president be, and he is hereby authorized to contract for the surveying, and cause to be surveyed at the expense of this government, a sufficient quantity of lands to satisfy the holders of all land script that may have been or which may hereafter be issued, and sold by this government, agreeably to law, in all respects; and the secretary of the treasury is hereby authorized to pay out of any monies in the treasury, not otherwise appropriated, all expenses which may accrue in the completion of said surveys.

SEC. 21. And be it further enacted, That whereas many persons have received titles under the colonization laws, as colonists from the different commissioners of the country: and, whereas many conditions were, by the laws attached, to said titles—that all such conditions be, and are hereby cancelled and the titles to all such lands be, and are hereby ratified and confirmed; Provided, that such persons shall pay, or cause to be paid into the office of the receiver of the land office of the district where such lands may be situated, or into the office of the secretary of the treasury, within six months after the opening of the land office, all money which may be due or owing on the same: Provided, that the conditions of remaining in the country, and the provision prohibiting a sale to aliens, shall not be repealed by this law: And further provided, that no title by this act shall be confirmed, which was illegal or invalid *ab initio*: And be it further provided, that it shall not affect the rights of third persons: And further provided, this act shall not extend to the benefit of any grantee or individual, for a greater amount of land than one league and one labor, or that granted to like citizens by the constitution of this republic.

SEC. 22. And be it further enacted, That no person shall by virtue of an improvement, have a right to claim more than one league and labor of land, and that improvement shall consist in the clearing and fencing, in a farmer-like manner, at least four acres of land; and the privilege shall not extend to any person who has previously got a grant to the quota of land to which they are entitled by citizenship, nor to any person or persons entitled to a grant of land by purchase.

SEC. 23. And be it further enacted, That the several land offices shall open and go into operation on the first day of June next, and their operations will then be confined to the completing of land titles to all those who, by the existing and previous

laws, have acquired a preference to the first location; of this class, are all citizens who were here on the day of the declaration of independence, and those volunteer soldiers who have served a tour of duty in the army of Texas previous to that time. For these classes of claimants, the land office shall be opened and remain six months in operation, granting and completing titles alone to that description of claimants; after which, all other legal claimants shall be entitled to have their land titles completed, as is herein provided for and directed.

SEC. 24. And be it further enacted, That every emigrant who arrives in this republic, from and after the first day of January next, who is a free white person, and is the head of a family, and who shall actually reside within the government with his family, shall be entitled to a conditional grant for twelve hundred and eighty acres of land, by paying the fees of office and for surveying. The conditions of said grant shall be, that the grantee shall remain and reside here, and his or her family, both within this government, and do and perform all the duties required of other like citizens, for a term of three years, after which time and several acts, he or she shall have and receive an unconditional patent for said land; and in no case whatever, shall a grant of that description be patented, unless it be satisfactorily proven, that all the conditions of the grant have in fact and in good faith, been complied with. And all single free white men, who may emigrate to the country after the first day of January next, shall be entitled to six hundred and forty acres of land, and so soon as they shall marry, they shall receive an additional quantity of six hundred and forty acres of land, upon the same conditions above named; and all laws contrary to the purview and meaning of this act, are hereby repealed and declared null and void, so far as regards their future operation.

SEC. 25. And be it further enacted, That in case any survey shall cross the dividing line between any two counties, it shall be competent for the register who issued this order of survey, to proceed in the same manner, as though the land was wholly situated within his land district.

SEC. 26. And be it further enacted, That in case doubt should arise as to the boundary line of any land district, it shall be competent for the registers of the two land offices, concerning whose boundary the doubts exists, to determine the doubt, and agree upon the line between them, which shall be as valid in law, as though the said line had been defined by act of this con-

gress; and in case they cannot agree, then and in that case, the chief justice of the county court whose office is situated nearest the said disputed line, shall decide.

SEC. 27. And be it further enacted, That the commissioner general of the land office, furnish at the public expense, such books and stationary, as may be necessary for all the transactions of the several land offices.

SEC. 12. And be it further enacted, That if the president should deem it proper to do so, in consequence of an invasion or a threatened invasion of our country by an enemy, that he be and is hereby authorized, to issue his proclamation, closing or suspending all operations of the several land offices; and further, that he be authorized, when he may think it proper to do so, to again, by proclamation, open and authorize them to proceed to the execution of the duties of the several offices, as the law directs.

IRA INGRAM,

Speaker of the House of Representatives.

RICHARD ELLIS,

President pro tem. of the Senate.

Vetoed by the president, and passed by a constitutional majority of the house of representatives, December 22, 1836.

IRA INGRAM,

Speaker of the House of Representatives.

Vetoed by the president, and passed by a constitutional majority of the senate, December 22, 1836.

RICHARD ELLIS,

President pro tem. of the Senate.

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## AN ACT

Locating the Seat of Justice for the County of Harrisburg, and other purposes.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the seat of justice, for the county of Harrisburg be, and the same is hereby established at the town of Houston.

SEC. 6. And be it further enacted, That the Island of Galveston, shall for the future be included within the limits of the

county of Harrisburg, and be, and compose a part of said county.

IRA INGRAM,

Speaker of the House of Representatives.

RICHARD ELLIS,

President pro tem. of the Senate.

Approved, Dec. 22, 1836.

SAM. HOUSTON.

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JOINT RESOLUTION

Authorizing the president to receive forty thousand Volunteers.

Be it resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized to receive into the service, any number of volunteers not exceeding forty thousand, as in his judgment may be necessary to the defence and welfare of the republic.

IRA INGRAM,

Speaker of the House of Representatives.

RICHARD ELLIS,

President pro tem. of the Senate.

Approved, Dec. 22, 1836.

SAM. HOUSTON.

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AN ACT

To provide an Index for the Laws of Congress, and for other purposes.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the secretary of state be, and he is hereby authorized and required to form an index to the laws passed at the present session of this congress, and to have the same printed with the said laws, and it shall also be his duty to superintend the printing of said laws.

SEC. 2. It shall be the duty of the chief clerk of the house of representatives and of the secretary of the senate to superintend the printing of the journals of their respective houses.

SEC. 3. The secretary of state and the clerk of the house of representatives and the secretary of the senate, shall each be allowed the sum of two hundred dollars for said extra services.

IRA INGRAM,

Speaker of the House of Representatives.

RICHARD ELLIS,

President pro tem. of the Senate.

Approved, Dec. 22, 1837.

SAM. HOUSTON.

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## AN ACT

To raise a Revenue by Impost Duties.

SEC. 1. Be it enacted, by the Senate and house of representatives of the republic of Texas, in congress assembled, That there shall be, and is hereby imposed, assessed and levied upon all articles which may be imported into this republic, from and after the first day of June next, the following duties, viz:

Upon all wines and spirituous and malt liquors, an ad valorem duty upon invoice costs of forty-five per centum. Upon all silk goods, and all manufactures of every description made of silk, an ad valorem duty of fifty per cent. Upon all sugar and coffee, two and a half per cent. Upon teas, twenty-five per cent per pound. Upon bread stuffs, one per cent. Upon iron and castings, ten per cent. Upon all coarse clothing, coarse shirtings, coarse shoes and brogans, blankets, kerseys, satinetts, and cloths formed of a mixture of cotton and wool, ten per cent. Upon all other goods, wares, and merchandize, not herein especially enumerated, an ad valorem duty of twenty-five per cent upon the invoice cost.

SEC. 2. Be it further enacted, That there shall be assessed, levied and collected, upon all vessels of the burthen of ten tons and upwards, arriving in any port of Texas from a foreign port, the sum of twenty-five cents per ton.

SEC. 3. Be it further enacted, That it shall be the duty of the president, by and with the advice and consent of the senate, to appoint for each and every district such revenue officers as may be necessary and proper for the collection of the venue, each of whom shall take an oath of office before reenter-

ing upon the duties, and for the punctual paying over to the proper authorities all such monies as may be by them respectively collected.

SEC. 4. Be it further enacted, That it shall be the duty of the several collectors to receive the orders of the auditor upon the treasury of the republic, when offered by importers in payment of duties at the time of importation; but should the duties not be promptly paid in this manner, the collector shall retain possession of all merchandize imported, for the space of ninety days. If at the expiration of that time the duties shall not be paid, they shall be sold at public auction by the collector, or so much thereof as will pay the duties thereon.

SEC. 5. Be it further enacted, That the secretary of the treasury shall, under the direction of the president, give the officers who may be appointed by virtue of this act, such instructions from time to time, as may be necessary to bring this system into practical and useful effect.

IRA INGRAM,

Speaker of the house of representatives.

RICHARD ELLIS,

President pro tem. of the senate.

Approved, Dec. 20, 1836.

SAM. HOUSTON.

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#### JOINT RESOLUTION

Requesting the President to appoint an Agent to the Court of Great Britain.

Resolved, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the president be requested to appoint an agent to the court of Great Britain, to solicit the recognition of our Independence, and to enter into such treaties as may be necessary to advance our mutual interests; and that nine thousand five hundred dollars are hereby appropriated, out of any monies in the treasury not otherwise appropriated, to carry this resolution into effect.

B. T. ARCHER,

Speaker of the house of representatives.

JESSE GRIMES,

President pro tem. of the senate.

Approved, May 15, 1837.

SAM. HOUSTON.

## AN ACT

## To suppress Gambling.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the game of faro, roulette, monte, rouge et noir, and all other games of chance, which are played by persons holding banks for the purpose of inviting or receiving betters thereto, within this republic, are hereby made penal offices, and shall be punished as hereinafter prescribed.

SEC. 2. Be it further enacted, That any person within this republic, who shall keep a bank for either of the above mentioned games, or any game of their character, or shall in any way be employed as a dealer or assistant, to any one or either of them, shall on conviction thereof, be deemed guilty of a misdemeanor, and shall be fined in a sum not exceeding two thousand dollars, nor less than one hundred dollars; one half of the fine recovered to go to the republic, and the other half to the informer, who shall prosecute the offender to conviction upon other evidence than his own oath.

SEC. 3. Be it further enacted, That any person who shall knowingly permit any one of the above mentioned games to be played in his or her house, shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, nor less than five hundred dollars.

SEC. 4. Be it further enacted, That it shall be the duty of every justice of the peace within this republic to take cognizance of any offence against this act which shall come to his knowledge by information or otherwise; and shall thereupon issue his warrant commanding the accused to appear before him forthwith, to be examined and held to bail at the next term of the district court.

SEC. 5. Be it further enacted, That it shall be the duty of the grand juries of the different counties of the republic to enquire into; and present all disorderly houses and persons guilty of a breach of the above recited act; and it shall be the duty of the judges of the district courts to give it in charge to the grand juries.

SEC. 6. Be it further enacted, That betting of checks, notes of hand, or any other representative of money or article of value, shall be so construed as coming under the provisions of this act; nor shall a person charged with the above mentioned offences be discharged for informality in an indictment.

SEC. 7. Be it further enacted, That this act shall take effect in the county of Harrisburg five days from and after its passage, and in all other parts of the republic, thirty days from and after its passage.

B. T. ARCHER,  
Speaker of the house of representatives.  
JESSE GRIMES,  
President pro tem. of the senate.

Approved, May 26, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of Capt. John M. Allen.

Be it enacted, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the auditor be instructed to settle the accounts of Capt. John M. Allen, on the principles of equity and justice.

B. T. ARCHER,  
Speaker of the house of representatives.  
JESSE GRIMES,  
President pro tem. of the senate.

Approved, May 29, 1837.

SAM. HOUSTON.

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AN ACT

For the relief of James Erwin and others.

Whereas, Stephen F. Austin, Branch T. Archer, and William H. Wharton as commissioners of the government and people of Texas, did on the twentieth day of January, eighteen hundred and thirty-six, contract with James Erwin and others, in the city of New Orleans for a loan of fifty thousand dollars, all of which was paid at the time; and whereas existing circumstances render it impossible for the government to comply strictly with the conditions of the aforesaid contract; and whereas the holders of the aforesaid loan, have voluntarily expressed a willingness to release the government from conditions that would

be unjust and ruinous to the interests of the country; and the congress of Texas being desirous of executing, in good faith all its obligations: Therefore,

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the secretary of the treasury be, and he is hereby directed, upon the surrender of the scrip issued by the commissioners to the parties to the loan aforesaid, or any of them, to calculate interest at the rate of eight per centum per annum, on the amount the party so surrendering may be entitled to, from the day and date of the loan to the day of surrender; and shall issue to the person or his assignee, land scrip at the rate of fifty cents the acre, in tracts of six hundred and forty acres each: and the said secretary shall issue scrip to the amount of twenty thousand acres, to be divided and distributed to the parties aforesaid, in the ratio that the amount they respectively hold bears to fifty thousand dollars in tracts of six hundred and forty acres each: Provided, that the said scrip shall not be located on land except by its legal subdivisions.

SEC. 2. Be it further enacted, That before the parties or any of them shall be entitled to receive his scrip under the provisions of this act, he shall file in the office of the secretary of the treasury, by himself or a legally authorized agent or attorney, a copy of the original contract, and also file a relinquishment on his part, of all further claim upon the government or the commissioners growing out of the contract aforesaid, and accept and receive the same scrip in lieu of all liabilities whatever: and the parties who may not now file their relinquishment aforesaid shall have six months to accept of the provisions of this act and be entitled to all its benefits.

SEC. 3. Be it further enacted, That scrip issued by virtue of this act, shall not in any manner interfere with the rights or claims of those entitled to lands as citizens of Texas at the day of the declaration of Independence, but shall be placed on equal footing with all other existing claims, as to the time and mode of locating the same; and after the first day of October eighteen hundred and thirty seven, shall have preference over all claims originating after that time, and shall not be subject after location to a higher rate of taxation than that imposed by law on citizens holding lands of like quality.

SEC. 4. Be it further enacted, That the parties holding the scrip, issued under the authority of this act may transfer the same, by assignment, and the assignees shall have all the rights

and privileges of the original holders: and the lands located shall not be subject to forfeiture for want of cultivation or improvement and may be held by aliens: they are to be located at the expense of the government and titles be issued in the same manner and held upon the same terms, as if the holders thereof were citizens of the republic: Provided, That no lands granted by this government, shall be located on salt springs, gold or silver mines, copper or lead, or other minerals or any island of the republic.

SEC. 5. Be it further enacted, That any of the holders of the loan shall have the right to surrender their scrip within six months from the passage of this act and receive from the secretary of the treasury whose duty it shall be to issue the same, a bond from the government for the principle and interest at the rate of twelve and a half per centum, per annum, pledging the faith of the government for its redemption and redeemable at their pleasuro.

SEC. 6. Be it further enacted, That the form of the scrip issued by virtue of this act, shall be such as expresses in substance the provisions of this act.

B. T. ARCHER,  
Speaker of the house of representatives.  
JESSE GRIMES,  
President pro tem. of the senate.

Approved, June 3, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Requiring the President to appoint a Secretary of Legation to the Embassy to England.

Be it resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the president be, and is hereby requested to appoint, by and with the advice and consent of the senate, a secretary of legation to the embassy to England, which secretary shall receive three thousand dollars per annum, to be paid out of any money in the treasury not otherwise appropriated.

And be it further resolved, That the commissioner whom congress has heretofore authorized the appointment of, to the government of England, be, and he is hereby vested with ple-

nary powers, commissioner and minister plenipotentiary, and that he receive his commission and instructions accordingly.

Be it further resolved, That the president be, and he is hereby directed to appoint, by and with the advice and consent of the senate, a commissioner and minister to France; in the event that the negotiation with England for the recognition of the independence of Texas shall fail, said commissioner and minister shall be vested with plenary powers.

B. T. ARCHER,  
Speaker of the house of representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION.

For the relief of Free Persons of Color.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That all free Africans or descendants of Africans, who were residing within the republic of Texas at the date of the declaration of Independence, and their natural issue, are hereby granted and allowed the privilege of remaining in any part of the republic as long as they choose; on the condition of performing all the duties required of them by law.

B. T. ARCHER,  
Speaker of the house of representatives.

JESSE GRIMES,  
President pro tem. of the senate.

Approved, June 5, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Relating to Election for the depopulated Districts.

Resolved by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the president be, and he is hereby directed to issue writs of election to fill all va-

cancies that may exist in either house of Congress; and that he be required to order the polls to be opened for the election of representatives for the depopulated districts in any part of this republic, where the citizens of said counties may be temporarily residing, until such times as the citizens of said counties may be permitted to return with safety to their homes. This resolution shall continue and be in force during the continuance of the war, and no longer.

B. T. ARCHER,  
Speaker of the house of representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

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AN ACT

To legalise certain Marriages; to provide for the celebration of Marriages and for other purposes.

Whereas, in many parts of Texas no person legally authorized to celebrate the rites of matrimony has existed; and whereas, from that cause many persons, have resorted to the practice of marrying by bond, and others have been married by various officers of Justice not authorized to celebrate such marriages; and whereas, public policy and the interests of families require some legislative action on the subject: therefore,

Be it enacted by Senate and House of Representatives of the republic of Texas, in Congress assembled, That all persons who have so intermarried be, and they are hereby authorized to go before any of the persons hereinafter provided for and publicly solemnize the rites of matrimony; and all marriages so solemnized are hereby declared of legal and binding effect, from the period the persons had previously intermarried agreeably to the custom of the times; and the issue of such persons are hereby declared legitimate children; Provided, however, that such marriages shall be celebrated within six months from the passage of this law; and provided further, that no legal bar exists to such marriage.

SEC. 2. Be it further enacted, That in cases where persons have intermarried as aforesaid agreeably to the customs of the country, and either the husband or wife has died previous to

the passage of this law, then and in that case all such marriages are declared of legal and binding effect, and the issue of the same are hereby legitimized; Provided, that such parties lived together as man and wife at the said death of either party.

SEC. 3. Be it further enacted, That all regular ordained Ministers of the Gospel, judges of the district courts, justices of the county courts, and all justices of the peace of the several counties of this republic be, and are hereby authorized to celebrate the rites of matrimony between all persons legally authorized to marry; Provided, that males under fourteen and females under twelve shall not marry.

SEC. 4. Be it further enacted, That any person desirous of marrying shall apply to the clerk of the county court, and shall receive from him a license directed to all persons authorized by this law to celebrate the rites of matrimony which shall be sufficient authority for any one of such persons, to celebrate such marriage, and any one of said persons so authorized, who shall celebrate the rites of matrimony, without said license from the clerk aforesaid, shall be liable to prosecution and on conviction shall be fined in the sum of five hundred dollars.

SEC. 5. Be it further enacted, That no clerk shall issue a license without the consent of the parents or guardians of the parties applying unless the parties so applying shall be in the case of the male twenty one years of age, and in the female eighteen years of age; and any clerk offending herein shall on conviction be fined five hundred dollars.

SEC. 6. Be it further enacted, That the said clerk shall record all licenses so issued by him, in a well bound book kept for that purpose; and it shall also be the duty of the persons solemnizing the rites of matrimony to endorse the same on the license and make return of the same to the office of the clerk of the county court within sixty days after the celebration as aforesaid; which return shall also be recorded as aforesaid.

SEC. 7. Be it further enacted, That for each license so issued the clerk shall charge and receive one dollar.

SEC. 8. Be it further enacted, That all persons who have married agreeably to the customs of the country having another wife or husband living and shall continue to live together as man and wife sixty days after the passage of this law shall be considered guilty of the offence of bigamy and shall upon conviction be punished as such.

SEC. 9. Be it further enacted, That it shall not be lawful for any person of European blood or their descendants, to in-

termarry with Africans, or the descendants of Africans; and should any person as aforesaid violate the provisions of this section such marriage shall be null and void, and the parties on conviction shall be deemed guilty of a high misdemeanor and punished as such.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

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A JOINT RESOLUTION

Respecting Mail Routes.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the post master general of this republic be authorized to extend the mail routes by way of Ballou's and Gaines' ferries, so as to communicate with the United States mail, and that he be authorized to pay for any services which may have been already rendered by any person to affect that object.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

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AN ACT

To incorporate the Trustees of Independence Academy and of the University of San Augustine.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That John P. Coles, Robert Stevenson, Asa Hoxie, M. Cummins, Shubael Marsh, James B. Miller and James G. Swisher, be, and they are hereby incorporated a body politic under the name and style

of the "Trustees of Independence Academy," capable of suing and being sued, pleading and being impleaded, of holding property either personal, real or mixed, of selling, alienating and conveying the same at pleasure, of having a common seal and of changing the same at pleasure, and of doing whatever else that may be necessary and proper to be done for the benefit and advancement of said institution, not contrary to the constitution and laws of this republic.

SEC. 2. Be it further enacted, That this charter and privilege shall extend to the said trustees and their successors in office, as long as they confine the benefit of the same to the advancement of the sciences, and the promotion of useful knowledge to the rising generations, which institution shall be accessible equally alike to all, without regard to opinions of religion or politics.

SEC. 3. Be it further enacted, That Elisha Roberts, Jesse Burdit, William McFarland, John Cartwright, Sumner Bacon, George Teal, Augustus Hotchkiss, Henry W. Augustine, Andrew J. Cunningham, Philip A. Sublett, Iredell D. Thomas, Albert Gallatin Kellogg, Almanzon Huston, William W. Holman and Joseph Rowe, be incorporated a body politic, under the name and style of the "President and Trustees of the University of San Augustine," and shall have the same powers and privileges which are conferred by this act on the trustees of Independence Academy.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

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#### AN ACT

To incorporate the Trustees of Washington College.

Be it enacted, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That William P. Smith, Asa Hoxie, John P. Coles, J. H. Wood, Thomas Gay and Stephen R. Roberts, be, and they are hereby constituted and declared to be from and after the passage of this act a body corporate and politic, in fact and in name by the style and

title of the "Trustees of the Washington College," and by that name they and their successors in office shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal and may change and alter the same at pleasure, and also that they and their successors by the same name and style, shall be in law capable of holding, purchasing and conveying any estate, real, personal or mixed for the use of the said college, and doing and performing all things which are necessary or common for corporation of a like nature to do not contrary to the constitution of this republic or the provisions of this charter as hereinafter enacted.

SEC. 2. Be it further enacted, That every person who has subscribed or may hereafter subscribe and pay into the treasury of the college the sum of ten dollars, shall ever afterwards be considered a member, and have the right of a voice, either in person or by proxy, in the selection of trustees, and shall himself be eligible to the office of trustee.

SEC. 3. Be it further enacted, That the trustees of the Washington College shall be elected annually by the subscribers and continue in office until their successors are duly elected; and a less number than five shall not be a competent body for the transaction of business, nor shall the whole number consist at any one time, of more than twenty-five.

SEC. 4. Be it further enacted, That the trustees for the time being shall have full power to enact such by-laws, rules and regulations for the government of said College as they may deem necessary for the prosperity of the same.

SEC. 5. Be it further enacted, That the chartered property of the College shall be liable for the debts of the same.

SEC. 6. Be it further enacted, That the institution hereby incorporated shall be located at, or in the vicinage of the town of Washington on the Brazos river.

SEC. 7. Be it further enacted, That the privileges, benefits and facilities of the said College shall be equally accessible to all without regard to peculiarity of opinion.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

## 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.

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### 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-

gress such a system for the organization and direction of the different accounting officers of the government as is best adapted to the condition of the country.

B. T. ARCHER,  
Speaker of the House of Representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 5, 1837.

SAM. HOUSTON.

### AN ACT

To Regulate the Pay of Pursers in the Navy.

Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the pay of pursers in the navy shall be the same as that of lieutenants.

B. T. ARCHER,  
Speaker of the House of Representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION

For the Amendment of the Militia Law.

Be it resolved by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the last sentence of the sixteenth section of an act approved December the sixth, one thousand eight hundred and thirty-six, and entitled "an act to provide for the national defence, by organizing the militia;" to wit: the words for failing to perform a tour of duty when called on, one hundred dollars," be, and the same is hereby repealed.

B. T. ARCHER,  
Speaker of the House of Representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

## AN ACT

To authorize the Consolidation and Funding of the Public Debt.

Whereas, it is deemed expedient to consolidate the public debt by the creation of a stock fund commensurate therewith, by issuing certificates of stock in suitable and convenient shares; it is also deemed expedient, in order that the public credit be sustained and the public creditors relieved by the payment of a fair interest on the government liabilities, that the same be thus consolidated, and placed in a tangible form, so that the interest may be annually paid, and the debt secured to the public creditors until its final redemption:—Therefore,

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That a government stock be created to the amount of three millions of dollars, or so much thereof as may be deemed necessary to satisfy the just liabilities of the republic, to be divided into shares of one hundred dollars each, the certificates of which shall be issued under the direction of the secretary of the treasury, signed by the stock commissioner and countersigned by the comptroller, which stock certificate shall bear interest at the rate of ten per centum per annum, which interest shall for the first year be paid at the end thereof, and thereafter semi-annually at the treasury of this republic or at such other point as the secretary of the treasury shall direct by public advertisement.

SEC. 2. Be it further enacted, That the interest on the said certificates of stock, shall be computed from the first day of September, one thousand eight hundred and thirty-seven; and that the whole stock so created shall be redeemable at the discretion of the government, at any time after the first day of September, eighteen hundred and forty-two, by giving six months previous notice of such intention by public proclamation.

SEC. 3. Be it further enacted, That the public faith is hereby pledged for the redemption of said stock agreeably to the foregoing provisions; and so much of the public revenue arising from impost and direct taxation, as may be necessary to meet the annual interest of the funded debt is hereby appropriated and set apart for that special purpose.

SEC. 4. Be it further enacted, That the holders of certificates of this stock shall not be permitted to transfer the same only on the books of the stock commissioner, by the holder in person, his lawful attorney or legal representative, under such rules and regulation as the secretary of the treasury shall di-

rect; nor shall said transfer be made within thirty days of the day on which the interest falls due.

SEC. 5. Be it further enacted, That if, from unavoidable accident or other casualty, the holder of a certificate or certificates should be deprived of the same, then and in that case the stock commissioner shall be, and he is hereby authorized and required to issue to the interested party a new certificate or certificates corresponding in every particular with the originals, making a proper note of the same, by his receiving satisfactory proof of such loss; and in all cases the holders of this stock may be represented by their legally authorized agents.

SEC. 6. Be it further enacted, That the secretary of the treasury be and he is hereby authorized and required to procure the proper blank stock certificates in form to suit the provisions of this law, and that the office of the stock commissioner be organized under his supervision, and that he notify the public creditors, by advertisement, to present their claims to the proper department on or before the first day of September next ensuing, or as soon thereafter as practicable, in order that they may receive the corresponding shares in stock certificates bearing date first September next: Provided, however, that certificates shall issue on no claims, other than those which have passed the proper auditorial department in conformity to law; and it is also further provided that interest be allowed on no claims other than those which have been or shall be funded.

SEC. 7. Be it further enacted, That all just demands against the government shall be received at par, for stock certificates: Provided, the same shall amount to even shares; and if the claim or claims shall not amount to an entire share or shares, then, and in that case, the holder shall have the privilege to make up the deficit in cash at a discount of ten per centum which the commissioner is hereby authorized and required to allow, properly accounting for the same.

SEC. 8. Be it further enacted, That the president be and he is hereby authorized and required to appoint, by and with the advice and consent of the senate, a suitable and fit person as stock commissioner, who shall perform the duties contemplated by this law, and whose salary shall be fifteen hundred dollars per annum, payable in the same manner of other public officers, and also a suitable and fit person as comptroller of the treasury whose duty it shall be, to investigate and pass on all claims against the treasury, and also to inspect all claims presented to the stock commissioner, and if found correct, he shall counter-

sign the same, and also countersign all stock certificates which shall be issued by the commissioner, keeping and rendering proper accounts, and generally to do, and perform all the duties contemplated by this law, and whose salary shall be fifteen hundred dollars per annum, payable in the same way and manner of other public officers; And be it also further provided, That the stock commissioner shall retain in proper files, as vouchers, all the evidences of debt on which certificates of stock have been issued; which vouchers shall be investigated by a joint committee from both houses of the general congress, who shall examine and report on the same for the proper disposition of that body.

SEC. 9. Be it further enacted, That any person or persons who shall be found guilty of counterfeiting or altering any certificate of stock which shall be created under this act, or any power of attorney for the transfer thereof, shall on conviction before a competent tribunal be adjudged a felon, and punished in conformity with the law.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

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AN ACT

Concerning fees of Sheriffs, Constables and Solicitors.

Be it enacted, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That in addition to the fees already allowed to sheriffs and constables, they shall be allowed to charge and receive five cents for every mile they must necessarily travel, in going and returning on business of their office, and to solicitors shall be allowed for all convictions under the gambling act, the same fees as are allowed in cases of felony.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

Authorising the President to leave the seat of Government for the space of thirty days, to organise the corps of mounted Gun Men.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president of this republic, be, and he is hereby authorized and empowered to leave the seat of government for the space of thirty days, if he should deem it expedient, to organize and set on foot the corps of mounted gun men, authorized to be raised by the act passed the present session of congress for the protection of our northern frontier.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

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 AN ACT

For the Incorporation of the Town of Liberty.

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 Liberty be and they are hereby declared a body corporate and politic under the name and style of the "Corporation of the town of Liberty," 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. Be it further enacted, That it shall be the duty of the citizens of said corporation to elect seven trustees, who shall select from their own body a presiding officer or mayor, a treasurer and a secretary, they shall also appoint a collector and constable; the treasurer and collector being required to give security to be approved by said trustees, in such amount as they may deem necessary, and to make reports when required by the mayor, who shall have the power when necessary to suppress riots and disturbances, to call out the citizens of said corporation for the purpose of restoring order.

SEC. 3. Be it further enacted, That the first election shall be held under the direction of the chief justice of the county, 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, to be ordered by the mayor.

SEC. 4. Be it further enacted, That no person shall be eligible to hold an office in said corporation to vote for the members of said body, unless he shall have resided within said corporation during the period of six months immediately preceding such election and have acquired the rights of citizenship in conformity with the laws of this republic.

SEC. 5. Be it further enacted, That it shall be the duty of the trustees, 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, and to prescribe penalties: Provided however, that no tax shall be levied unless by consent of two thirds of the citizens present: said tax to be assessed according 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 whereas there are four leagues of land belonging to said town which are now useless, the trustees shall and are hereby authorized and empowered in conjunction with the county court of the county of Liberty, to alienate said lands, 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 public buildings and for such other purposes as they may think proper; Provided always, that those persons who have taken lots in said town shall have the right of keeping the same, and it shall be the duty of said commissioners and of the county court, to issue titles to such individuals upon their paying to the treasurer the amount of the valuation of the lots so taken.

SEC. 7. Be it further enacted, That the said trustees shall have the privilege of establishing schools within said corporation.

SEC. 8. Be it further enacted, That the rules and ordinances of said corporation shall not be contrary to the constitution and laws of this republic.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION

Authorizing the Sheriffs of the different Counties of this Republic to rent or lease houses, employ Guards, &c.

Resolved, by the senate and house of representatives of the republic of Texas, in Congress assembled, That the sheriffs of the different counties of this republic be and they are hereby authorised to lease or rent suitable houses for the safe keeping of any prisoners committed to their charge and if necessary to employ a sufficient guard to guard such prisoner or prisoners, and it shall be the duty of the county courts to allow such accounts together with all other reasonable and necessary expenses incurred by any sheriff in the performance of his duty.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION

Defining the powers of the Commissioners of Roads and Revenues.

Whereas, the bill organising the justice's courts, gives to the commissioners of roads and revenue the entire control and superintendence of roads, bridges, ferries and the poor; and whereas an act entitled "an act authorising and requiring county courts to regulate roads, appoint overseers and license ferries,

and so forth," approved twentieth December, eighteen hundred and thirty-six, gives certain powers, rights and privileges, and requires certain duties of the county courts in regard to roads, ferries and the poor.

Be it resolved, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That all the powers, rights and privileges given, and duties required of the county courts in the above recited act of December the twentieth, eighteen hundred and thirty-six, be understood as belonging to and required of the commissioners of roads and revenue in the several counties of the republic and not belonging to, or required of the county courts.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

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AN ACT

To prescribe the mode of holding Courts of Admiralty.

Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That from and after the passage of this act, whenever the president shall be informed by any person interested that there is a case cognizable in the court of admiralty which should be immediately adjudicated, it shall be his duty to issue an order, directed to the most convenient judge of the district court, commanding him without delay to proceed to the place most convenient and adjudicate the same; and it shall be the duty of said judge to obey said order and proceed forthwith to dispose of the case according to law.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

For all Agents of Government to give security for the faithful performance of their duties.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That the agents of the government who may hereafter be appointed, shall give bond and security to the president and his successors in office, (in such amount as the president may think proper,) for the punctual and faithful performance of their duties; also all agents or officers now in office who have the receiving or disbursing of the government funds; to give the president and his successors in office such bonds and security for the faithful performance of their several duties, and in default of such bonds and security being given, the president is hereby authorized to remove them from office, and appoint others in their place.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

Respecting Fees of Attornies.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That so much of "an act entitled an act establishing the fees of office," as relates to the perquisites of the attorney general or district attornies shall be understood to enure to the use of the said attornies as perquisites of office, instead of to the use of the republic of Texas.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 7, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to an Act establishing the County of Houston.

Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the county of Houston shall be included in the first judicial district of this republic and the district courts for said county shall be holden on the last Mondays of February and August, and can continue one week and no longer.

SEC. 2. Be it further enacted, &c. That the county courts for said county shall be holden on the first Mondays in January, April, July and October.

SEC. 3. Be it further enacted, That the said county shall be attached to the senatorial district of Nacogdoches.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

Authorising the issuing the Promissory Notes of the Government.

SEC. 1. Be it enacted, by the Senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorised and required to issue promissory notes of this government payable at the treasury of the republic to the amount of five hundred thousand dollars, which notes shall be signed by the president, and countersigned by the secretary of the treasury: Provided, that no note shall be of a less denomination than one dollar or a greater amount than one thousand dollars.

SEC. 2. Be it further enacted, That the said notes shall be payable twelve months after date, and shall draw an interest of ten per cent. per annum, from date.

SEC. 3. Be it further enacted, That the said notes at any time before or after maturity, shall be considered as cash, and shall be received as cash for all dues owing or coming to the government.

SEC. 4. Be it further enacted, That the president is authorised to have said bills printed and draw on the treasurer for the sum necessary to be paid out of any money in the treasury not otherwise appropriated.

SEC. 5. Be it further enacted, That one fourth of the proceeds arising from the sale of the Islands contemplated to be sold by an act of this congress shall be paid into the treasury, to be paid out only for the redemption of these promissory notes of the government.

SEC. 6. Be it further enacted, That the president is authorized to sell five hundred thousand acres of land scrip, the proceeds of which shall be paid into the treasury, to be paid out only for the redemption of these promissory notes of the government: Provided, that this scrip shall be disposed of at not less than fifty cents per acre, and provided further, that the agents appointed to sell the scrip, shall give bond and approved personal security in double the value of the scrip so delivered to him for the faithful discharge of his duty as agent.

SEC. 7. Be it further enacted, That all improved forfeited lands are hereby pledged for the redemption of these promissory notes of the government, and in addition the faith and credit of the government are hereby solemnly pledged.

SEC. 8. Be it further enacted, That these promissory notes shall be issued and paid out alone for and on account of the expenses of the civil departments of the government: Provided however, that the president be and he is hereby authorized and required to expend a sum not exceeding the sum of one hundred thousand dollars for the purchase of horses and munitions of war, to be used by the rangers and mounted gun men, and in a campaign against the Indians.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 9, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the benefit of J. W. Moody.

Resolved by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That twelve hundred and fifty dollars be and the same is hereby appropriated to J. W. Moody, auditor of public accounts, to reimburse him for money paid for clerk hire, out of any money in the treasury not otherwise appropriated.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 9, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the benefit of Alexander Walsh.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be authorized to audit the claims of Alexander Walsh, allowing him at the rate of twelve hundred dollars per annum, for the time he served as clerk in the war department, and all other clerk's claims of a similar nature properly authenticated.

B. T. ARCHER,  
Speaker of the house of representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 9, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

Authorizing the president to send an agent to the United States, to settle with the agents for land scrip.

Resolved, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the president be authorized to appoint an agent to proceed to the United

States with instructions to receive the unsold land scrip; and to settle with the different agents heretofore appointed by the government; and that he be also directed to sell any scrip he may receive for cash, at not less than the minimum price; and the proceeds be deposited in bank, subject to the order of the secretary of the treasury: except such portion thereof as the agent may deem expedient to expend for provisions, arms, clothing, or ammunition for the use of this republic.

B. T. ARCHER,  
Speaker of the House of Representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 9, 1838.

SAM. HOUSTON.

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### JOINT RESOLUTION

Requiring the Auditor of public accounts to audit the accounts of J. Bryant and S. Francois.

Resolved by the Senate and House of Representatives of the Republic of Texas, in congress assembled, That the auditor of public accounts is hereby authorized and required to audit the accounts of John Bryant for three hundred and sixty-four dollars; and also to audit the account of Sebastian Francois for the sum of two hundred and fifty-nine dollars: and further, that said Bryant and Sebastian are entitled to twelve hundred and eighty acres land each, as bounty land for services rendered this republic as soldiers.

B. T. ARCHER,  
Speaker of the house of representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

\* Approved, June 9, 1837.

SAM. HOUSTON.

## AN ACT

To raise a public revenue by Impost Duties.

Whereas, it is deemed expedient to raise a public revenue by impost duties, to aid in defraying the public expenses, sustaining the public credit, and securing to the public creditors a fair annual or semi-annual interest on their shares of stock in the funded debt:

SEC. 1. Therefore be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, there shall be imposed on all goods, wares and merchandize, which may be introduced into this republic, the duties hereinafter designated, which shall be levied and collected in conformity with the following classification, viz:—

Classification of duties to be exacted at the several ports of entry in Texas, on goods imported into the republic.

Provisions and groceries, bread stuffs, including corn, wheat, barley and oats, free: beef pickled, free: pork, salted, and smoked free: butter six and a fourth cents per pound: codfish one dollar per hundred pounds: mackerel one dollar and fifty cents per barrel: salmon two dollars per barrel: herrings one dollar per barrel: herrings, in boxes, one dollar per hundred pounds: shad one dollar and fifty cents per barrel: neat's tongues, pickled or smoked free: potatoes, onions, beats, beans, and rice, free: coffee one cent per pound: sugar, brown, two cents per pound: sugar, white, four cents per pound: molasses or syrup five cents per gallon: tea, black, twelve and a half cents per pound: tea, green, twenty-five cents per pound: spices; pepper, five cents per pound: pimento or allspice, five cents per pound: cinnamon, cloves, and other spices, ten cents per pound: mustard twenty-five per cent ad valorem: pickles twenty-five per cent ad valorem: fruits, apples or peaches twenty-five per cent ad valorem: preserved in brandy or other spirits twenty-five per cent ad valorem: raisins, figs, almonds, filberts, &c. three cents per pound: oils, salad, spermaceti, whale, rape, and linseed, fifteen per cent ad valorem: candles, tallow, two cents per pound; spermaceti, three cents per pound; wax, four cents per pound: soap, yellow, four cents per pound: salt three cents per bushel of fifty pounds: vinegar, free. Other articles of pro-

visions and groceries, not herein enumerated, twenty-five per cent ad valorem. Liquors, spirits, whiskey, first and second proof, twenty-five cents per gallon: third and fourth proof, thirty-seven and a half cents per gallon; above fourth proof, fifty cents per gallon: brandy, first and second proof, fifty cents per gallon; third and fourth proof, sixty-two and a half cents per gallon; above fourth proof, seventy-five cents per gallon: gin, same as brandy: rum, same as brandy: all other spirits not enumerated, including cordials and liquors of all kinds, will pay the same duties as brandy. Wines, claret, twenty-five cents per gallon: other red French wines, twenty-five cents per gallon: Oporto, or port wine, thirty-seven and a half cents per gallon: French white wines, twenty-five cents per gallon; Champagne, one dollar per gallon: Madeira, seventy-five cents per gallon: Teneriffe, thirty-seven and a half cents per gallon: Spanish white wines, twenty-five cents per gallon: Spanish red wines twenty-five cents per gallon: German wines, Hock, Rhenish, &c., fifty cents per gallon. Malt liquors of all descriptions, free. Champagne in bottles, per dozen, two dollars: other wines, per one dozen bottles, one dollar and fifty cents: all other liquors in bottles, per dozen, two dollars. Dry goods: all articles of which wool forms a component part, twenty-five per cent ad valorem: all articles of which linen forms a component part, twenty-five per cent ad valorem: all articles of which cotton forms a component part, fifteen per cent ad valorem; all articles of which silk forms a component part, thirty per cent ad valorem: wearing apparel, ready made, and other personal baggage in actual use, and tools of trade, free: wearing apparel, ready made, otherwise imported, thirty per cent ad valorem. Shoes and boots twenty-five per cent ad valorem. Hats, of all descriptions, twenty-five per cent ad valorem. Leather; all articles of which leather forms a component part, twenty per cent ad valorem. Jewelry, thirty-three and one third per cent ad valorem. Miscellaneous articles, iron, implements of iron for purposes of husbandry, such as ploughs, harrows, hoes and axes, twelve and a half per cent ad valorem. Tools of all descriptions for carpenters, cabinet makers, joiners, and blacksmiths, fifteen per cent ad valorem. Bar iron, fifty cents per hundred pounds. Nails and screws, one dollar per hundred pounds. All other articles of which iron or steel form a component part, not herein enumerated, twenty per cent. ad valorem. Copper, all articles of which copper forms a component part, twenty per

per cent ad valorem. Lead; all articles of which lead forms a component part, twenty per cent ad valorem. Tin; all articles of which tin forms a component part, twenty per cent ad valorem. Brass; all articles of which brass forms a component part, twenty per cent ad valorem. Pewter; all articles of which pewter forms a component part, twenty per cent ad valorem. Glass, and glass ware, twenty per cent ad valorem. Earthen ware, twenty per cent ad valorem. Ivory, twenty per cent ad valorem. Drugs and medicines of all descriptions, twenty per cent ad valorem. Paints of all descriptions, twenty per cent ad valorem. Furniture of all classes, fifteen per cent ad valorem. Fire arms and munitions of war of all descriptions, free. Carriages; pleasure carriages of all descriptions, twenty-five per cent ad valorem. Wagons, carts, drays, &c., ten per cent ad valorem. Playing cards, fifty per cent ad valorem. Coal, free. Corks, twelve and a half cents per pound. Combs of all descriptions, twenty-five per cent ad valorem. Cordage, and bale rope, two cents per pound. Lumber of all descriptions free. Building stone, bricks, tiles, or slates, free. Lime for building, free. Tobacco, in segars, two dollars and fifty cents per thousand: tobacco in any form than in segars, thirty per cent ad valorem. Seeds of all descriptions, free. Brushes of all kinds thirty per cent ad valorem. Paper; blank post folio, or quarto paper, ten per cent ad valorem: blotting, cartridge, and copying paper, seven per cent ad valorem. Saltpetre, six and one fourth cents per pound; and all other articles, not herein enumerated, shall pay a duty of twenty-five per cent ad valorem.

SEC. 2. Be it further enacted, and so forth, That the following designated places, with their given boundaries, be made ports of entry, and within which bounds custom houses shall be established, and collectors of the public revenue shall be appointed, and reside at the several ports for which they were appointed, viz. Commencing at the Rio Grande, and following the coast of the Gulf, East, to the mouth of San Antonio river, shall at present compose the south-western collectoral district, which shall be called the district of Aransaso. Commencing at the mouth of the San Antonio river, and following the coast of the Gulf eastwardly to the mouth of Cedar Lake, shall compose one collectoral district, to be called the district of Matagorda. Commencing at the mouth of Cedar Lake Creek, and following the coast of the Gulf, east, to the mouth of Oyster creek, shall compose one collectoral district, which shall be called the dis-

trict of Brazos. Commencing at the mouth of Oyster Creek, and following the coast of the Gulf east to Bolivar Point, shall compose one collectoral district, which shall be called the district of Galveston. Commencing at Bolivar Point, and following the coast of the Gulf to the middle of Sabine bay, thence up the bay to the mouth of the river Sabine, and up with that stream so far as to include a certain ferry, known as Lowe's ferry, shall compose one collectoral district, which shall be called the district of Sabine. Commencing at Lowe's ferry, and following the Sabine up to the thirty-second degree of north latitude, thence north to Red River, shall compose one collectoral district, which shall be called the district of San Augustine. A custom house shall be established within the limits of each collectoral district, at such point in each as the president and secretary of the treasury shall direct, for the time being; until, from proper surveys, the most eligible points shall be ascertained for permanent locations.

SEC. 3. Be it further enacted, and so forth, That all goods, wares, or merchandize which may be introduced into this republic, shall be entered at the custom house of the district in which they may or have been landed in conformity with the law. And all persons neglecting, evading, or refusing to comply with the provisions of this law, whether citizen or alien, shall be deemed smugglers, and treated accordingly. That every master of vessels arriving in any of the ports of this republic, shall, within twenty-four hours after his arrival, and previous to discharging any part of his cargo, present to the collector of said port a manifest of all the cargo on board his vessel; which manifest must exhibit at length the marks and numbers of packages, and the quantity of each article constituting the cargo, together with the names of the respective consignees. In default of which a penalty of five hundred dollars shall be enforced and collected by said collector for the benefit of this republic. And all captains wilfully making or returning false manifests, with an intent to defraud, shall, in addition to a fine of one thousand dollar, to be exacted by the collector, be thereafter incompetent to enter or clear a vessel in any of the ports of this republic; and both master and vessel held accountable.

SEC. 4. Be it further enacted, &c. That each consignee shall be required to make duplicate entries of all goods, wares, or merchandize to them consigned; which entries shall contain, at length, the marks and numbers of packages, together with their contents, quantities, and value and to which the following

oath shall be subscribed in presence of the collector: "I, A B, do solemnly swear that the foregoing entry contains a full, true, and just account of all the goods consigned to me, together with the cost thereof, now on board (here mention the vessel and captain's name, and where from) to the best of my knowledge and belief, so help me God." And it shall be the duty of the collector, or the officers appointed under him, to take an account of all goods so imported; and all goods found over and above the quantity represented in the entries, shall be confiscated for the use of the republic. And it shall also be the duty of said collectors to have all dutiable goods securely lodged in public stores, until the duties are properly secured: they shall in all cases where the duties are not paid down, require two or more responsible securities, as in their judgment may be deemed proper, for the payment of all such duties, accruing to this government in conformity with the foregoing tariff.

SEC. 5. Be it further enacted, &c. That where any importer, factor, or consignee, whose duties, by any one importation, shall amount to five hundred dollars or upwards, that the amount shall be divided and securely bonded, payable, the one-half in three, and the other half in six months from the date of entry; and on all sums under five hundred dollars, and over one hundred dollars, three months; and on all sums under one hundred dollars the duties must be paid in cash. And on all foreign vessels entering the ports of this republic, there shall be collected one dollar per ton, tonnage duties; and also such fees of office for clearing, registering, and transferring vessels, as may be lawful to receive in the ports of the United States of America for the same services. And it is also further provided, that the collectors shall give bond and security in the sum of twenty-five thousand dollars, conditioned for their true and faithful performance; and be required to make their returns quarterly to the treasury department, showing the number and class of vessels which have entered, their separate and aggregate amount of tonnage, together with the aggregate amount of goods, when and by whom introduced, the amount of money, date, and from whom received; the amount bonded, and when payable; and that the same be published quarterly by order of the secretary of the treasury. And any collector of the public revenue, who is found guilty of embezzling the same, or conniving, aiding, or abetting in defrauding the public treasury, shall be deemed guilty of a misdemeanor, and on conviction thereof before a competent tribunal, shall be punished accordingly, dismissed

from office, and rendered incapable ever thereafter of holding any office of honor, trust, or profit in this republic.

SEC. 6. Be it further enacted, &c. That all collectors of the public revenue, before entering on the duties of their offices shall take the oath prescribed for all public officers, before any person competent to administer the same; which oath shall be subscribed, and together with the bond shall be filed in the Treasury department. And be it further provided, That each principal collector shall be entitled to have one principal clerk; and also to employ, when necessary, other subordinate officers, as from time to time he may find necessary: as well also as common laborers, when they may be needed; at all times, however, using a prudent and strict economy for the protection of the public revenue; which said subordinate clerks, officers, and laborers, he shall allow such pay as a necessary prudence shall direct, payable out of the proceeds of the collections by him made.

SEC. 7. Be it further enacted, &c. That the principal collectors of the public revenue shall receive as compensation for their services, viz. Allowing two thousand dollars to be a fair minimum per annum salary, which may be increased or diminished as hereinafter provided, to wit: On all monies received and paid into the treasury they shall be entitled to receive two and a half per cent. until the commissions shall amount to the minimum salary; and the one-half of one per cent. on all sums after the commissions shall have run up to the minimum salary; then and in that case the commissions to be the salary.

SEC. 8. Be it further enacted, &c. That all goods, wares, and merchandize, which may be introduced into this republic by land, shall be entered at the proper custom house of the district in which they may be introduced, under the pains and penalties of this law. And all persons evading, or attempting to evade the provisions of this law shall be considered guilty of a misdemeanor and punished accordingly. And all the goods, wares, or merchandize smuggled or attempted to be introduced in contravention to the provisions of this law, shall be subject to seizure and confiscation, together with the vehicle by which they were conveyed; and after thirty days' public notice shall be sold for cash, the one-half of the proceeds of which shall go to the informer, and the other to the public treasury, after deducting the expenses of such sale.

SEC. 9. Be it further enacted, &c. That the principal collector of each port shall have a deputy, who shall also take the

oath of office, and whose duty it shall be to perform the duties of the principal, when from any unavoidable cause he may be rendered incompetent to perform his duties as required by law: and at such ports as would permit, the chief clerk may be appointed. And be it further provided, That the principal collector shall be held accountable for the acts of his deputy, and all other subordinate officers by him intrusted. And the principal or deputy shall have the power to administer oaths in all cases pertaining to their duties. They shall not be removed from office during the administration under which they were appointed, without just cause. And be it further provided, That all duties or public dues of whatever nature or description, shall be collected or paid in gold, silver, or such current bank paper as the authorities shall from time to time direct. And all debts due to this republic for duties or other public revenue, shall be considered and have preference and privilege over all other claims.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

To raise a Public Revenue by direct Taxation.

SEC. 1. Be it enacted, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That there shall be levied on all real, personal, or mixed property, within this republic, a direct tax equal to one half of one per cent. ad valorem, which shall be levied and collected in the way and manner hereafter provided.

SEC. 2. Be it further enacted, &c. That there shall be appointed in each county of this republic one assessor, which shall be appointed by the county courts of the several counties, who shall require of them bond and security for their faithful performance, and administer to them their oaths of office, which oath shall be the same as prescribed for all public offices, varying the same to suit their several offices. It shall be the duty

of the assessor to register, in duplicate, the inventories of all the property found within his proper county or district, one of which shall be transmitted to the treasury department, and the other passed over to the collector: which register shall show in proper columns the person's name, quantity of land in acres, number of negroes, horned cattle, horses and mules, miscellaneous including all other unclassified articles. Under each specific head shall appear the number and amount belonging to each individual, and one column showing the aggregate or gross amount, and another column showing the corresponding amount of tax due from each. This register shall be made out from the original inventories, which the assessor shall preserve in all cases as references. The president shall issue his proclamation immediately on the passage of this law, requiring the county courts to forthwith proceed to make the appointments required by this act: and the assessors shall immediately enter upon the duties of their office, and be required to make their returns to the treasury department on or before the meeting of the next general congress; and the several collectors shall commence their collections on the first day of October of each year, and make their returns to the treasury department on or before the first day of January ensuing.

SEC. 3. Be it further enacted, &c. That all heads of families, or other individuals recognised by the laws of this republic as free, and all agents or representatives of others, shall make out, or procure to be made out, a fair valued inventory of all the property to them belonging, estimating the same at what may be deemed a fair valuation, which inventory shall be subscribed and sworn to before the assessor, who is hereby authorized to administer the following oath: "I, A B, do solemnly swear that the inventory here presented, and to which I have subscribed, is a just, true and faithful valued inventory of all the property known as belonging to me, to the best of my knowledge and belief, so help me God."

And be it further provided, That if the assessor shall, in his judgment, consider the property valued too low, or otherwise incorrect, it shall be his duty, before administering the oath, to call to his assistance two citizens of the neighborhood, to appraise or value the same: and any person rendering a false inventory shall pay double tax, and if with intent to defraud the revenue, it shall be considered an indictable offence, and punished accordingly.

SEC. 4. Be it further enacted, &c. That in all the depopu-

lated counties of this republic, where the county courts have not been organized, it shall be the duty of the former residents of said counties, and they are hereby required to make their inventories and file the same with the assessor of the county in which they may at the time reside, and pay over to the proper collector their tax accordingly. The minimum price of land shall not be considered less than fifty cents, when from any cause the true valuation cannot be had.

SEC. 5. Be it further enacted, &c. That it shall be the duty of the chief justice of each county court to give notice by public advertisement, in at least three of the most public places in his county, that sealed proposals will be received for the appointment of assessor, until the court shall meet and determine on whom the appointment shall be conferred; which sealed proposals shall set forth the terms on which the duties of assessor will be performed, and shall be directed to the chief justice, and marked "Proposals for Assessor:" on the meeting of the court the seals shall be broken, and the proposals examined: and the court shall then confer the appointment on such as in their opinion would be best calculated to perform the duties required and protect the public interest; and for the performance of all which duties they shall be entitled to their lawful fees of office.

SEC. 6. And be it further enacted, &c. That from and after the passage of this law, that each wholesale or retail dealer in wares, goods or merchandize, shall pay for each establishment thus employed, a license of fifty dollars per annum: each establishment for retailing wines or spirituous liquors, under one gallon, one hundred dollars per annum: each establishment for retailing cider or malt liquors alone, shall be free: each billiard table, a license of two hundred dollars per annum: each nine pin alley, or any game of that kind, a license of one hundred and fifty dollars per annum: each public inn or tavern, within the limits of any incorporated town, shall pay a license of one hundred dollars; and if a retailer of wines or spirits, the additional license; and all those neglecting or refusing to comply shall suffer the pains and penalties of the revenue laws. And be it further provided, That merchants or factors shall not be required to inventory the goods which may be in their possession, on which duties have been paid, and which they only hold as contingent, but only on their real amount of capital employed.

SEC. 7. Be it further enacted, &c. That there shall be as-

sessed and collected on each head of horned cattle or horses in this republic, belonging to citizens in the United States, one dollar per head; and it shall be the duty of every person having in his possession or care property belonging to any individual in the United States or elsewhere, to render to the assessor a list of the same.

SEC. 8. Be it further enacted, &c. That each and every white male, over the age of twenty-one years, and under fifty-five years of age, shall pay the sum of one dollar.

SEC. 9. Be it further enacted, &c. That properly audited drafts on the treasury of this republic shall be received in payment of taxes imposed in this bill, except on billiard tables, retailers of liquors, and nine pin alleys, or any game of that kind.

SEC. 10. Be it further enacted, &c. That all pedlars of goods, wares, or merchandise, shall pay to the county court the sum of fifty dollars in cash for every county they shall vend any article in; and for vending any goods, wares, or merchandise, without a license they shall be fined in the sum of five hundred dollars for each and every offence, to be collected by any court having cognizance of the same.

B. T. ARCHER,  
Speaker of the House of Representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION.

For Publishing the Laws and Journals.

Resolved, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the secretary of state be authorized to have published at the expense of this government, five hundred copies of the journals of both houses of congress, and two thousand copies of the colonization laws of the general congress of Mexico and of the state of Coahuila and Texas, of the acts and decrees and resolutions of the consultation of eighteen hundred and thirty-five, and of the ordinances and decrees of the provisional council of eighteen hundred and thirty-five, and eighteen hundred and thirty-six: of

the convention of March, eighteen hundred and thirty-six: and the acts and joint resolutions of this congress, and that he furnish each member of this congress, the several judges, justices, clerks and sheriffs of this republic with a copy of each.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT,

Supplementary to an act entitled "an act to establish a general land office for the republic of Texas," passed Dec. 22, 1836.

SEC. 1. Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the land office, as established by the act passed on the twenty-second day of December last, shall go into operation on the first day of October next, unless the county shall be invaded to an extent inducing the President to call out at least one third of the militia for its defence; in which case the President shall have power to close the land office by proclamation, until such invasion has terminated.

SEC. 2. Be it further enacted, &c. That the whole republic of Texas shall be sectionized as follows: One base line and four meridian lines shall be run in such manner as the commissioner of the general land office shall direct; provided, that no locations or surveys heretofore made agreeably to law, shall be affected by such sectionizing; and provided further, that these sectional lines shall not affect the previous or future surveys of land; but all lands surveyed for individuals, or for the government, lying on water courses, shall front one half of the square on the water, the line running at right angles with the general course of the stream, and all others, not on water courses, shall be square, if previous lines will permit; and if not, to be run as circumstances will permit.

SEC. 3. Be it further enacted, &c. That in all cases the registers and receivers of the land offices shall be furnished with written instructions by the commissioner of the general land office, for their government.

SEC. 4. Be it further enacted, &c. That after the first day of October next, no individual arriving in the country shall be entitled to land as an emigrant; and from this time forward, no more bounty land shall be given as an inducement to any one to enter into service in the army of Texas.

SEC. 5. Be it further enacted, &c. That it is hereby declared that all empresarios' contracts having ceased on the day of the declaration of independence, all the vacant lands of Texas are the property of this republic, and subject alone to the disposition of the government of the same.

SEC. 6. Be it further enacted, &c. That it is hereby made the duty of all empresarios, commissioners, political chiefs, alcaldes, and other persons, to deliver over to the commissioner of the general land office, all titles, surveys, books, papers, documents, or other things in their possession or charge, belonging to this republic, or which by this act is made public property, and so contemplated to be delivered over as aforesaid, which shall be delivered over as aforesaid, on the application in person of said commissioner, or to his order in writing.

SEC. 7. Be it further enacted, &c. That should any empresario refuse to comply with the provisions of the foregoing section, he shall be liable to prosecution, and shall on conviction, forfeit to the government of Texas all premium lands granted, or which he could claim by virtue of his said contract; and should any commissioner, political chief, alcalde, or other person, refuse to comply with the provisions of the foregoing section, he shall be liable to prosecution, and shall, on conviction, be fined in the penal sum of twenty-thousand dollars; and he shall, moreover, be imprisoned until he deliver up said surveys, books, &c., as required by law. Provided, That all prosecutions under this act shall issue from and be tried at the seat of government of this republic.

SEC. 8. Be it further enacted, &c. That in order to settle the claims of empresarios, each and every one of the same are hereby authorized to institute a suit against the president of the republic of Texas and his successors in office; which suit or suits shall be tried in the county in which is situate the seat of government of the republic of Texas; and shall be tried as all other land suits are required by law to be tried. And should any empresario who shall thus sue, fail to establish the claim for which he sues, he shall pay all the costs of such suit. Pro-

vided, That neither aliens, nor the assignees of aliens, shall be entitled to the benefit of this act.

SEC. 9. Be it further enacted, &c. That it shall be the duty of the attorney general, to attend to all such cases in behalf of the republic of Texas; and he shall receive as a compensation for his services, the sum of five hundred dollars, in each and every case; and the president is authorized to employ such additional council as in his opinion he may deem proper, and allow him such compensation as he may deem proper. Provided, however, such compensation shall not exceed the compensation allowed the attorney general.

SEC. 10. Be it further enacted, &c. That it shall be the duty of the president to appoint, during the present session of congress, all the officers contemplated by the land law passed on the twenty-second day of December last.

SEC. 11. Be it further enacted, &c. That it shall be the duty of the surveyor, upon returning the field notes of any survey, to certify upon oath that said survey was made either previous to the closing of the land office by the consultation, or subsequent to the opening of the land office by the present session of congress, as the case may be, which shall also be certified by the chain carriers, if to be found in the republic, and if not, by at least two respectable witnesses.

SEC. 12. Be it further enacted, &c. That the secretary of war shall, immediately from and after the passage of this act, issue to all persons entitled to bounty lands for military services in this republic, a certificate or certificates of the same, and shall keep a record in his office of all such certificates so issued by him, upon the applicant having an honorable discharge, signed by the commanding officer of the company to which he was attached, and countersigned with certificates of at least one field officer or commandant of a post.

SEC. 13. Be it further enacted, &c. That it shall be the duty of the surveyor-general of each land district to appoint not less than six deputy surveyors in his land district, and as many more as he may deem necessary, and shall assign to each deputy a certain portion of territory, in which no other surveyor shall be allowed to survey.

SEC. 14. Be it further enacted, &c. That each deputy-surveyor shall, before entering upon the duties of office, give a bond payable to the president of the republic of Texas, and his

successors in office in the penal sum of ten thousand dollars, with at least two securities, to be approved of by the surveyor-general, conditioned for the faithful performance of the duties of his office.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Vetoed by the president, and passed by a constitutional majority of the house of representatives, June 8, 1837.

B. T. ARCHER,

Speaker of the House of Representatives.

Vetoed by the president, and passed by a constitutional majority of the senate, June 12, 1837.

JESSE GRIMES,

President pro tem. of the Senate.

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#### AN ACT

Supplementary to an act, entitled "an act supplementary to an act establishing a General Land Office in the republic of Texas, passed Dec. 22nd, 1836."

Be it enacted, by the Senate and House of Representatives of the republic of Texas, in congress assembled, That it shall be the duty of the commissioner of the general land office, under the instructions of the president, to cause so much of the vacant lands of the republic to be surveyed and sectionized, in tracts of six hundred and forty, and three hundred and twenty acres each, as will be sufficient to satisfy all claims against the government for scrip sold, soldiers' claims, and head rights, so soon as the six months priority shall have expired after the opening of the general land office.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

AN ACT

Authorising the President to call out the Militia.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be and he is hereby authorized to order out forthwith such a portion of the militia as he may think proper for the better protection of the frontier.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

To Dispose of Galveston and other Islands of the Republic of Texas.

Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the secretary of the treasury be, and he is hereby authorized and required to cause the Island of Galveston except the league and labor sold to M. B. Menard and associates, and all other Islands within this republic to be surveyed in lots not less than ten nor exceeding forty acres each, and that he cause the same to be sold at auction to the highest bidder, on the second Monday of November next at the state house in the city of Houston, the proceeds of the sale to be paid in specie or the notes of current and specie paying banks, in the following manner, to wit: one fourth part thereof to be paid down, and the other three-fourth to be in three equal instalments of three, six and nine months.

SEC. 2. Be it further enacted, That all persons, aliens not excepted, shall have the privilege of purchasing and holding the same, and the president is authorized to issue patents to them accordingly.

SEC. 3. Be it further enacted, That the proceeds of the sales of all such Islands as may be sold by virtue of this act,

shall be applied as follows, to wit: one half to be applied to the purchase of arms, munitions of war, clothing and pay for the army, one fourth for the navy, and one fourth shall be paid into the treasury of the republic to be paid out only for the redemption of the promissory notes of the government contemplated to be issued by a law previously passed by this congress.

SEC. 4. Be it further enacted, That the the secretary of the treasury shall cause the aforesaid sale to be published for three months previous to the day of sale in New Orleans, Mobile, Charleston, Baltimore, Philadelphia, New York, Boston, Nashville and Louisville, Ky., papers.

SEC. 5. Be it further enacted, That the secretary of the treasury be authorized to pay the expenses of surveying, advertising and sale, out of the first money from the sales aforesaid.

SEC. 6. Be it further enacted, That if any persons who shall purchase any of the aforesaid lots or lands, shall fail to make payment of the several instalments in conformity with this act, he or they shall forfeit all such sums as they may have previously paid, and the lots and lands purchased by such defaulter shall revert to the government of this republic.

B. T. ARCHER,  
Speaker of the house of representatives.

JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION.

Concerning Major General Thomas Jefferson Chambers.

Resolved by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the thanks of congress be tendered to General Chambers for the zeal and ability with which he has defended and sustained the cause of Texas, and the efficient manner in which he has discharged the duties imposed upon him by his commission, in sending to her aid men, arms and supplies by a sacrifice of his private fortune.

2nd. Resolved, That the auditorial department be authorised and required to settle with Major General Thmas Jeffer-

son Chambers, and that the president be authorised to render justice in the fullest manner in all matters and things touching the commission conferred upon him by the provisional government of Texas and his operations under that commission.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Employing extra Clerks in the Auditor's Office.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts be, and he is hereby authorized to employ as many clerks as he may think necessary, for one month.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the benefit of Texian Prisoners taken by the Mexicans.

Resolved, by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That the president be and he is hereby authorised and empowered to send a flag of truce to Matamoras or any other port of Mexico for the purpose of effecting an exchange of prisoners; and that he take all other means that he may deem expedient to procure the release of all citizens of Texas, the crew and other prisoners taken on board the Independence and Julius Caesar and any other persons who may be prisoners there connected with this government.

SEC. 2. Resolved, That the president be and he is hereby authorized to draw upon the secretary of the treasury for such an amount of money as may be necessary to carry the foregoing resolution into effect.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of J. H. Harry.

Resolved, by the Senate and House of Representatives of the republic of Texas, in congress assembled, That the auditor be and he is hereby authorized and required to take up the drafts issued on the treasury in favor of John H. Harry, and issue new ones, drawing interest at the rate of ten per cent. from the first of September last.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

Establishing the county of Houston.

Be it enacted by the Senate and house of representatives of the republic of Texas, in congress assembled, That all that portion of the county of Nacogdoches within the following limits, to wit: Beginning on the east bank of Trinity river, at a point two leagues above the mouth of Kickapoo creek, from thence in a north easterly direction to the Neches at the mouth of Big Pine creek; thence up the Neches to the thirty-second degree of north latitude; thence due west to the Trinity river; thence

down the said river to the place of beginning, form a county to be called and known by the name of Houston county.

SEC. 2. Be it further enacted, That the citizens of said county be, and are hereby authorised and required to elect seven commissioners, who, (a majority of them concurring,) shall select a site for the seat of justice of said county.

SEC. 3. Be it further enacted, That the president be, and he is hereby authorized to order an election for one representative, and all the officers of the county to take place on the first Monday of September next and also to appoint commissioners to hold said election.

B. T. ARCHER,

Speaker of the house of representatives.

JESSE GRIMES,

President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

To authorize the President to appoint a Commissioner to run the Boundary line between the United States of America, and Republic of Texas.

Be it enacted by the senate and house of representatives of the republic of Texas, in Congress assembled, That the president be and he is hereby authorized and empowered to appoint a commissioner, by and with the advice and consent of the senate, to unite with such commissioner as may be appointed by the United States of America, to run and mark the boundary line between the two governments, from latitude second degree north on the Sabine river, to the Rio Roxo or the Red River, agreeable to the treaty made and entered into, between the said United States and Spain, in the year one thousand eight hundred and nineteen.

SEC. 2. And be it further enacted, That there shall be paid to said commissioners out of any monies in the treasury, not otherwise appropriated, the sum of fifty dollars per diem, from the time he may reach the point of departure on the Sabine river, until the said line be completed; which per diem, pay shall in-

clude all incumbent expenses; Provided always, that the whole expenses of running said line, shall not exceed the sum of three thousand dollars.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

For the relief of Ministers of the Gospel.

Be it enacted by the Senate and House of Representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, all ordained ministers of the gospel shall be, and are hereby exempt from military duty.

B. T. ARCHER,  
Speaker of the house of representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

Supplemenatry to the several Acts organizing the respective Counties of this Republic.

Whereas, many counties in this republic were not organized nor elections held for county officers at the time prescribed by law from causes over which they had no control. Therefore,

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That the chief justices of all such counties shall have full power and authority to give notice and hold elections in said counties, at such time as they may deem proper, for the elections of all county officers at such precincts as elections are now held for said counties, and in the same manner as is prescribed by law. Said

chief justice giving at least twenty days notice of the time and places of holding said elections at five or more of the most public places in their respective counties aforesaid, in manner and form aforesaid, according to the constitution and laws, shall be as legal and valid as if the said election had been held and organization had at that time prescribed in the above recited acts.

SEC. 2. And be it further enacted by the authority aforesaid, That the elections in and for the county of Mina, held on the eight day of April last, and the organization of said county, together with all the adjudications, acts and proceedings of the officers of said county, are hereby declared to be as legal and valid, to all intents and purposes, as if said elections and organization had been held at the time prescribed by the above recited acts, any law to the contrary notwithstanding.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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AN ACT

To authorize Justices of County Courts to act as Judges of Probate and Notaries Public in certain cases.

Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That in cases in which the chief justices of the county courts may be interested, and in in case of the absence or inability of the chief justices to act, the associate justices of the county court shall be authorized to act as judges of probate; and either of the said associate justices may act as notary public in such cases and during such period.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

## AN ACT

For the better protection of the northern frontier.

SEC. 1. Be it enacted by the Senate and House of Representatives of the republic of Texas, in Congress assembled, That a corps of mounted gun men, consisting of six hundred mounted men, rank and file, shall be raised by voluntary enlistment, for a term of six months, dating from the time of rendezvous, and officered in the following manner, viz: one colonel, one lieutenant colonel, one major, ten captains, ten first and second lieutenants; all of whom shall be appointed by the president, by and with the advice and consent of the senate.

SEC. 2. Be it further enacted, That each officer and private shall furnish himself with a substantial horse, well shod all round, and extra shoeing nails, a good gun, two hundred rounds of ammunition, and all other necessary equipment, provisions, &c., except beef.

SEC. 3. Be it further enacted, That the officers shall receive the same pay as is fixed in the corresponding rank in the ranging service; and the privates twenty-five dollars per month, and officers and men a bounty of land of six hundred and forty acres each.

SEC. 4. Be it further enacted, That when spoils are taken from the enemy, the commanding officer shall have the same divided equally amongst officers and men.

SEC. 5. Be it further enacted, That the corps shall be divided into three divisions, to rendezvous at such times and places as may be directed by the president.

SEC. 6. Be it further enacted, That a quarter master appointed by the president, shall attend each division, whose duty it shall be to purchase beef at the expense of the government for the supply of said troops.

SEC. 7. Be it further enacted, That each six men shall furnish themselves with a pack-horse.

SEC. 8. Be it further enacted, That if practicable, there shall be attached to each division one company of spies, composed of Shawnees, Cherokees, Delawares, or of other friendly Indians, who shall be supplied with provisions, and shall receive such pay as may be agreed upon between them and the president, which shall be paid in goods.

SEC. 9. Be it further enacted, That when any officer or

soldier shall disobey orders, or shall behave in an ungentlemanly or unsoldierlike manner, if an officer, the president shall have the power to discharge him dishonorably, and report the same to the senate; and if a non-commissioned officer or private, in like manner to give him a dishonorable discharge; and in all cases of dishonorable dismissal the individual shall forfeit all right to pay and bounty land; and it shall be the duty of the president, in conformity with the provisions of this section, to discharge all officers and soldiers in the service who disobey orders.

SEC. 10. Be it further enacted, That the president shall have the power to appoint an inspector, or inspectors, whose duty it shall be to report all delinquents to the president, who on such information shall exercise the powers of dismissal embraced in the preceding section.

SEC. 11. Be it further enacted, That the president shall have the power of discharging them at an earlier period than six months, if he should deem it expedient.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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A RESOLUTION

Regulating the Meeting of Congress.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That after the close of the present session of congress, congress shall meet annually on the first Monday in November, until otherwise ordered by law.

B. T. ARCHER,  
Speaker of the House of Representatives.  
JESSE GRIMES,  
President pro tem. of the Senate.

Approved,

SAM. HOUSTON.

## JOINT RESOLUTION

For the Relief of the Hon. B. C. Franklin.

Resolved, by the Senate and House of Representatives of the Republic of Texas, in Congress assembled, That B. C. Franklin be, and he is hereby allowed, as judge of the district of Brazos, the same pay and compensation as is fixed by law for a district judge.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem of the Senate.

Approved,

SAM. HOUSTON.

## JOINT RESOLUTION

In regard to the payment of District Judges.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts be, and he is hereby directed to audit, and issue his drafts on the treasury quarterly, for the payment of the salaries of the district judges, in the same manner as is prescribed by law for the payment of the salary of the chief justice of this republic.

B. T. ARCHER,

Speaker of the House of Representatives.

JESSE GRIMES,

President pro tem. of the senate.

Approved, June 12, 1837.

SAM. HOUSTON.

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# L A W S

OF THE

# REPUBLIC OF TEXAS

IN TWO VOLUMES.

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PRINTED BY ORDER OF THE SECRETARY OF STATE.

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VOLUME II.

HOUSTON.

1838



LAWS  
OF THE  
REPUBLIC OF TEXAS.

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JOINT RESOLUTION

To suspend the operation of the Land Office until the further action of congress

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That so much of an act entitled "an act supplementary to an act establishing a general land office for the republic of Texas," passed 26th December, 1836, as provided for the opening of the land office on the first day of October, 1837, and for the appointment of officer under said law, be, and the same is hereby suspended until the further action of congress.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Sept. 30, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

Making an appropriation to pay the public printers.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the secretary of the treasury be required to execute and deliver to Cruger &

Moore, the proprietors of the press engaged in printing for the government, a draft upon the collector of the port of Galveston, payable at sight, for the sum of one thousand dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Oct. 12, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION

Making appropriation of moneys for the use of the Hospital.

Be it resolved by the senate and house of representatives of the republic of Texas in Congress assembled, That the sum of one thousand dollars be, and the same is hereby appropriated out of any moneys in the Treasury or in the hands of the officers of the custom-houses, to be expended under the direction of the secretary of war, to provide for the comforts of the sick soldiers, who now are, or hereafter may be, in the hospital at this place.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Oct. 15, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION

Locating permanently the seat of Government.

Resolved by the senate and house of representatives of the republic of Texas, in Congress assembled, That there shall be elected by joint vote of both houses of congress, five commissioners (any three of whom shall constitute a quorum for the transaction of business) whose duty it shall be forthwith to proceed to select a site for the permanent location of the seat of government of this republic; and that they be required to

give public notice of their appointment, and receive such propositions for the sale of lands as may be made to them, not less than one, nor more than six leagues of land; and also examine such places as they may think proper on vacant lands; and that they be authorized to enter into conditional contracts for the purchase of such locations as they may think proper, subject to ratification or rejection by this congress, and that they be required to report to congress, by the 15th November, the different selections, with an accurate and full description of the same, to congress, and that in making the selections, they be confined to the section of country between the Trinity and Guadalupe rivers, and that they select no place over one hundred miles north of the upper San Antonio road, nor south of a direct line running from the Trinity to the Guadalupe river, crossing the Brassos at Fort Bend.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Oct. 19, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Authorizing Wm. G. Cooke to sign the name of the president to the promissory notes of the government.

Whereas, in consequence of the recent attack of sickness, and the consequent indisposition of his excellency the president of the republic, and the disabled situation of his excellency's right arm from a former wound, aggravated by his present sickness, he is now unable to attend to the laborious duty of signing the promissory notes of the government, authorized by the last session of congress, by an act passed the 9th of June, 1837, which being principally for small sums will amount to some thousands; and whereas, the necessary and pressing wants of the country require that the issue of such notes should immediately commence; therefore,

SEC. 1. Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That Wm. G.

Cooke be, and he is hereby authorized and empowered to sign the name of the president to the promissory notes of the government.

SEC. 2. Be it further resolved, that Wm. G. Cooke shall be entitled to five dollars per day for the time he is occupied in performing the duties above named, and that he proceed forthwith to sign said notes.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Oct. 23, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of W. S. Hendrick.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of one hundred and sixty-two dollars be allowed to W. S. Hendrick, for extra services rendered the first congress as door-keeper, and that this resolution be a sufficient voucher to the auditor of public accounts to allow and audit the same.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Oct. 25, 1837.

SAM. HOUSTON.

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### AN ACT

Regulating Elections.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the chief justice and associates in each county of the republic shall designate election precincts at the most suitable places for

holding elections in their several counties. And it shall be the duty of the chief justices of the counties to issue writs of election to the several precincts established, appointing a presiding officer in each to hold the election, stating specifically in the writs the officer or officers to be elected, and the day on which the election shall take place.

SEC. 2. Be it further enacted, That each presiding officer shall appoint three judges of the election and two clerks, who shall be sworn, before entering upon the duties of their offices, to conduct the election without partiality or prejudice, and agreeably to law: and in the event that the judges and clerks thus appointed shall fail to attend, or refuse to act, then it shall be lawful for the voters, at the house of opening the polls to appoint judges and clerks to supply such vacancies: and if there be no justice of the peace present, the presiding officer shall swear the other managers, and one of them shall administer the oath to him, which shall be as legal as if done by a judicial officer.

SEC. 3. Be it further enacted, That each of the clerks shall write the name of each voter at the time of his voting, making two lists of the names of the electors, one of which shall be delivered to the chief justice of the county, with the returns of the election, to be kept as a record, and the other to be retained by the presiding officer of the election.

SEC. 4. Be it further enacted, That the polls shall be kept open from nine o'clock to twelve in the forenoon, and from one to five in the afternoon, the presiding officer making proclamation at the door of the house at the time of opening and closing the polls.

SEC. 5. Be it further enacted, That immediately after closing the polls, the officers of the election shall proceed to count the votes and make out a complete return, which shall be sealed up and delivered to the chief justice of the county by the presiding officer or one of the judges of the election upon oath; a duplicate of which return shall be kept by the presiding officer.

SEC. 6. Be it further enacted, That the chief justice shall give at least ten days' notice (except in cases of vacancy, when immediate notices shall be given to the different precincts, upon the receipt of the president's proclamation for filling said vacancy,) of every election, by an advertisement published in a newspaper, if any be printed in the county: or if there be no paper published in the county, then by an advertisement in manu-

script, in each precinct, stating the names of the several presiding officers appointed in the county, the places of holding the election, the day on which the election will be held, and the officer or officers to be elected. The writs of election issued by the chief justice, shall require the presiding officer, or one of the judges or clerks of the election, to deliver the returns to him at the county seat, at some time specified therein, not exceeding ten days from the day of holding the election; and upon the receipt of the returns, the chief justice, in the presence of the returning officer, shall examine the several documents, and immediately execute and deliver to the person or persons having the greatest number of votes, a certificate of election.

SEC. 7. Be it further enacted, That no officer of an election shall examine any vote, or unfold any ticket presented by a voter.

SEC. 8. Be it further enacted, That when a man shall offer his vote, unless some officer of the election will vouch for his qualifications as an elector, he shall take oath that he is legally qualified according to the constitution and laws, to vote for members of Congress.

SEC. 9. Be it further enacted, That regular enlisted soldiers, and volunteers for during the war, shall not be eligible to vote for civil officers.

SEC. 10. And be it further enacted, That no person shall be permitted to contest any election unless within ten days after the return day. The person intending to contest, shall cause the person having a certificate of election to be notified thereof, and a statement in writing delivered to him, containing the grounds upon which he relies to sustain the contest, or in case the candidate elect can not be found, then the notice and statement to be left at his usual place of abode. No ex-parte statements or testimony shall be received as evidence in any contested election, without the consent of the opposite party.

SEC. 11. Be it further enacted, That this act shall take effect and be in force from and after its passage: provided, however, that nothing herein contained shall affect elections in depopulated counties. And be it further enacted, that if any person in this republic shall, after the passage of this act, vote for a member or members of congress more than one time in the same day, such person shall be liable to indictment, and upon conviction before any competent tribunal, shall forfeit and pay for every such offence not less than fifty, nor more than one hundred dollars; to go to the county treasury.

SEC. 12. Be it further enacted, That in senatorial districts, now or hereafter to be established, consisting of two or more counties, congress shall from time to time designate and determine the county whose chief justice shall issue the necessary certificate to the senator elect. And the chief justices of the other county or counties composing the senatorial district shall seal up and deliver the returns of the election, from the several precincts of their respective counties, for senator, duly authenticated, and hand them to the chief justice of the county so designated by congress within ten days after said returns are received by him or them; and that the county of Refugio, in the senatorial district composed of the counties of San Patricio, Refugio, and Goliad; the county of Mina, in the district composed of the counties of Mina and Gonzales; the county of Shelby, in the district composed of the counties of Shelby and Sabine; the county of Jackson, in the district composed of the counties of Matagorda, Jackson, and Victoria; the county of Austin, in the district composed of the counties of Austin and Colorado; the county of Jasper, in the district composed of the counties of Jasper and Jefferson; the county of Harrisburg, in the district composed of the counties of Harrisburg and Liberty; the county of Nacogdoches, in the district composed of the counties of Nacogdoches and Houston, shall be, and the same are hereby designated as the counties whose chief justices shall give the certificates to the senators elect from the respective districts, and receive the returns from the other counties in the aforesaid districts.

SEC. 13. Be it further enacted, That if at the time of any election for civil officers, a portion of the citizens of any county shall be absent from home, in the service of their country, they shall choose three managers from among themselves, who shall hold the election, under the same rules and regulations herein prescribed, who shall seal up the returns of said election, and send them to the chief justice of their respective counties, who shall receive the same.

SEC. 14. Be it further enacted, That in case of a tie between any two or more candidates for representatives in congress, the chief justice of the county in which such tie shall occur, shall decide between the candidates having the highest number of votes.

SEC. 15. Be it further enacted, That in case of a tie between any two or more candidates for senator to congress, if the county in which such tie shall occur be entitled to a senator, then and in that case, the chief justice of such county shall decide

the tie; but if the senatorial district in which a tie occurs, be composed of two or more counties, then the chief justice of the county authorized to give a certificate to the senator elect, shall decide the tie.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President of the senate pro tem.

Approved, October 26, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Requiring the chief justice of the county of Brazoria to issue writs of election.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the chief justice of the county of Brazoria is hereby authorized and required to issue writs of election, giving ten days notice, for an election to be held at all the precincts of said county, in order that it may be ascertained whether a majority of the people of said county desire a continuance of the seat of justice at the town of Brazoria, or its removal to the town of Columbia.

Resolved, that said election shall be held on the 20th of the ensuing November, and the returns be made as soon as practicable to the speaker of the house of representatives.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Oct. 31, 1837.

SAM. HOUSTON.

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### AN ACT

Authorizing an Appropriation for the Post Office.

Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of ten thousand dollars is hereby appropriated for the use of the post

office department, and that the post master general is hereby authorized to draw for the amount on the secretary of the treasury, out of any unappropriated monies in the treasury.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Nov. 4, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

To authorize the secretary of war to grant discharges.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That the secretary of war be and he is hereby authorized to grant discharges to all officers and soldiers who are now on furlough, for the time they have served; provided they will relinquish their claims to pay and bounty lands for that portion of the term for which they have enlisted, enrolled or commissioned, and have not yet served.

SEC. 2. And be it further enacted, That the provisions of the first section of this act remain in force for the term of sixty days from its passage.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

Granting letters of Marque and Reprisal.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That they cordially concur in the immediate granting of Letters of Marque and Reprisal against the commerce and government of Mexico,

as promulgated in the proclamation of his excellency the President of this republic, under date of 15th September, 1837.

Resolved, That his excellency, the President of this republic, is hereby authorised and required to grant commissions to all applicants who offer sound and sufficient security that they will conduct themselves in strict accordance with the established laws of nations, and the special laws of this republic, on the subject of privateering; which said commissions shall not be revoked or annulled during the contest between Texas and Mexico, except by a decree of a court of Admiralty, founded on malfeasance in office, or other sufficient cause. Provided, however, That nothing herein contained shall prevent his excellency from suspending the cruising or naval operations of any privateer guilty, in his opinion of malfeasance, until a trial can be had before a court of competent jurisdiction.

Resolved, that the secretary of the navy cause these resolutions to be published for one month in the Texas Telegraph; also in some of the public journals of the United States of the North.

Resolved, That the government of Texas hereby relinquishes her right to the 10 per cent. usually paid by privateers, and will claim no more than two and a half per cent. for the purpose of defraying the expense of adjudication, &c.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

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## AN ACT

To incorporate the town of Shelbyville, and granting further powers to the corporations of San Augustine and Nacogdoches.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That all the qualified voters for members of congress, who may have resided within the town of San Augustine, six months preceding any election, for any officer of that corporation, or who may

own real estate in said town, shall be entitled to vote for any officer of said corporation, or to hold any office therein. And the said body corporate are hereby authorised and empowered to make any law or laws which they may deem necessary to be made and enacted for the benefit of the inhabitants of said corporation, not contrary to the laws and constitution of this republic.

SEC. 2. And be it further enacted, That the town of Shelbyville in the county of Shelby, be incorporated with the same powers and privileges, which are granted and conferred by an act to incorporate the town of Nacogdoches, and other towns therein named, passed the thirty-first day of May, one thousand eight hundred and thirty-seven, and on the town of San Augustine by this act.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

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AN ACT

For augmenting the Navy, and making an appropriation therefor.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president, by and with the advice and consent of the senate, appoint an agent, when in his discretion he may think proper, whose duty it shall be to repair to some seaport of the United States of the north, for the purpose of buying or building, arming, and equipping, for the public service of Texas, one ship or brig, about five hundred tons burthen, to mount eighteen guns; two barques or brigs, about three hundred tons burthen, mounting twelve guns each; and three schooners, about one hundred and thirty tons burthen, mounting five or seven guns each: and that the said vessels be fitted and furnished with such artillery and armament as is best adapted to vessels of their class.

SEC. 2. Be it further enacted, That the sum of two hundred and eighty thousand dollars is hereby appropriated for the pur-

pose of buying or building, arming and equipping said vessels; and that the secretary of the treasury furnish said agent with a draft for the above appropriated sum of two hundred and eighty thousand dollars on Messrs. Gilmer & Burnley, the commissioners to negotiate a five million loan for this republic: and that the public faith is also solemnly pledged for its payment.

SEC. 3. Be it further enacted, That said agent be entitled to a compensation of three hundred and fifty dollars per month, and that he give bond and security for the faithful performance of his duty, in the sum of five thousand dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 4, 1837.

SAM. HOUSTON.

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AN ACT

Regulating the proceedings before justices of the peace.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, all civil proceedings before justices of the peace, shall be had in a summary manner, and without the formality of a petition in writing; and it shall be sufficient, except in cases of attachment, sequestration, and other extraordinary measures, for the justice to insert within the body of the citation, or endorse on the back thereof, the nature of the cause of action.

SEC. 2. And be it further enacted, That, if any party, against whom judgment shall be rendered by any justice of the peace, shall fail to appeal from, or stay such judgment within three days from the rendition thereof, then it shall be lawful for execution to issue.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Nov. 4, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the Secretary of War to execute certain duties.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the secretary of war be required forthwith to proceed to execute the duties of his office as required of him by an act of congress, entitled "an act supplementary to an act to establish a general land office for the republic of Texas."

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Vetoed by the president, and passed by a constitutional majority of the house of representatives.

JOSEPH ROWE,  
Speaker of the house of representatives.

Vetoed by the president, and passed by a constitutional majority of the senate.

S. H. EVERITT,  
President pro tem. of the senate.

October 27, 1837.

---

AN ACT

To provide for auditing contingent expenses of both Houses of Congress, and making appropriation therefor.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts be, and he is hereby authorized to audit any accounts which may be authorized by a resolution of either house of congress, upon the complainant presenting a copy of said resolution, certified by the secretary or clerk of the house in which the resolution may have been adopted, and the certificate of the person authorized by said resolution to contract such debt or debts, that the account is correct and just, and to draw on the contingent fund of both houses of congress for the amount.

SEC. 2. Be it further enacted, That two thousand dollars be, and the same is hereby appropriated to defray the contingent expenses of both houses of congress.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Nov. 2, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of Holland, Coffee and Co.

Resolved, by the senate and house of representatives of the republic of Texas in Congress assembled, That the sum of six hundred and ninety-one dollars be allowed to Holland, Coffee and Co., for moneys by them expended in purchasing Texian prisoners from the Indians, and that the same be paid in the promissory notes of the government.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President of the senate pro tem.

Approved, 1837.

SAM. HOUSTON.

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### AN ACT

To provide for the appointment of Notaries Public.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be a notary public for each of the ports of entry of this republic, to be appointed by the president, by and with the advice and consent of the senate, who shall hold his office for two years, unless sooner removed by the president, and shall receive the same fees as are now allowed by law to the several chief justices for the performance of notarial acts.

SEC. 2. Be it further enacted, That the several notaries public shall have a seal of office, and all certificates or other acts by by them performed, shall be signed by the said notaries, and the seal of office thereunto affixed.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, Nov. 16, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

To appoint a Committee on Printing.

Resolved, by the senate and house of representatives of the republic of Texas in Congress assembled, That a joint committee of two be appointed by each house of congress, to contract with some competent person or persons to print the laws of the consultation and the convention, together with all the laws which have been enacted since the declaration of independence, and also the journals of the special and regular session of congress, for the years 1836 and 1837; and the said committee are required to enquire what progress, if any, has been made in the above business, and report their proceedings to this Congress.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

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AN ACT

To incorporate the town of Brazoria.

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 Brazoria, be, and they are hereby

declared a body politic and corporate by the name and title of "the Corporation of the town of Brazoria," and by that name may sue and be sued, implead and be impleaded, and may hold, and dispose of real and personal estate in said town.

SEC. 2. Be it further enacted, That all that tract of land, known as the old and new town of Brazoria, shall be the limits and boundaries of said town.

SEC. 3. Be it further enacted, That an election shall be held in said town on the first Monday in January of every year for a mayor, a constable and eight aldermen; the election shall be conducted by the mayor and two aldermen, and the persons so elected shall continue in office for one year or until their successors are qualified. The mayor so elected shall be commissioned by the chief justice of the county of Brazoria, and shall have all the powers of an ordinary justice of the peace, in all matters and cases arising under the criminal laws of the country, and shall be authorised and empowered, to enforce and carry into effect such bye-laws and ordinances as the corporation of said town shall from time to time ordain, for the better regulation of the police thereof.

SEC. 4. Be it further enacted, That no person shall be eligible to any of said offices or to vote, who is not a citizen and a freeholder or householder in said town.

SEC. 5. Be it further enacted, That the mayor shall be president of the board of aldermen, that a majority of the members of said board shall constitute a quorum for the transaction of business, and that said board may enact such bye-laws for the government of said town, not inconsistent with the law of the land, as may be deemed proper, and inflict such fines, not exceeding one hundred dollars, as may be considered necessary.

SEC. 6. Be it further enacted, That the board of aldermen shall have entire control over the streets of said town, may order new streets to be laid out, and old ones discontinued at their discretion: Provided, however, that no new street be opened nor old one discontinued, except by unanimous consent of the board; and the board in such acts shall be governed by the law of the land, relative to roads and highways.

SEC. 7. Be it further enacted, That all free males between the the ages of eighteen and forty five years, and all male slaves over sixteen and under sixty years of age, shall be liable to work on the streets; that such persons shall not be compelled to work more than ten days in any one year, and they shall be exempt from other road duty. The board shall impose such fines

on defaulters as they may think necessary, in which they shall be governed generally by the law of the land.

SEC. 8. Be it further enacted, That the board of aldermen shall have power to levy a tax on all persons and property, both real and personal in said town: Provided, however, that the tax on real property, shall not in any one year exceed twelve per cent. ad valorem, on such property, and no tax shall be levied on real estate unless by consent of two thirds of the aldermen present, and it shall be levied at the beginning of each year, and be assessed and collected by an officer to be appointed by the board in the same manner as the state tax is collected: and the board shall also have power to levy a tax on all taverns, tippling houses, and billiard tables in said town.

SEC. 9. Be it further enacted, That all the public property in said town, shall belong to said corporation, and the board of aldermen may dispose of it in such manner as the best interest of said town may require.

SEC. 10. Be it further enacted, That the board of aldermen shall have power to constitute and appoint such officers with the regulation of their compensation as may be considered necessary, and the officers so appointed may be removed at the pleasure of the board, and may be required to give bond with security to the mayor in such penalty as may be deemed requisite, and shall perform such duties as may be enjoined upon them, and shall be liable for such fines for neglect of duty as may be imposed on them.

SEC. 11. Be it further enacted, That all offences against the bye-laws be prosecuted before the mayor in a summary manner, and execution may issue returnable forthwith, and the constable shall execute all writs directed to him by the mayor.

SEC. 12. Be it further enacted, That if the office of alderman of said town shall become vacant by death, resignation or removal from the town, the board shall have power to appoint a successor; and should the office of mayor become vacant from either of the above mentioned causes or otherwise, the chief justice of the county of Brazoria be, and he is hereby authorised to issue forthwith a writ for a new election to be held on a day mentioned in said writ, and if the election required to be held on the first Monday in January of every year, shall not be held on that day, it may be holden at any time, by giving five days notice, and all elections for mayor and aldermen shall commence at ten o'clock A. M., and close at 2 P. M.

SEC. 13. Be it further enacted, That the constable shall

give bond and security as other constables, shall be commissioned in the same manner, shall have the same power, and be entitled to the same fees as other constables.

SEC. 14. Be it further enacted, That the board of aldermen shall make such compensation to the mayor, and allow him such fees as they may deem proper.

SEC. 15. Be it further enacted, That all laws heretofore passed relative to the town of Brazoria, shall be, and the same are hereby repealed, so far as relates to the town of Brazoria, and this act shall go into effect from and after its passage: Provided, however, that the mayor and aldermen, elected under the old charter which is hereby repealed, be, and continue in office and exercise all the powers granted by this act until the qualification of their successors, who may be elected at the first regular election under this act.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Nov. 16, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Requiring the auditor to audit the accounts of Nelson Jones.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts, is hereby authorised and required to audit the accounts of Nelson Jones, for three hundred and sixty-four dollars.

And further, That the said Nelson Jones, is entitled to twelve hundred and eighty acres of land as a bounty, for services as a soldier in this republic.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Nov. 16, 1837.

SAM. HOUSTON.

AN ACT

Appropriating money for the purchase of a house for the use of the President.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the sum of six thousand dollars be, and the same is hereby appropriated for the purchase of a house for the use of his excellency the president of thst republic, and that the treasurer of this republic is hereby required to pay six thousand dollars of the promissory notes of the government to F. R. Lubbock, upon his executing a title for his house, and the lot upon which it stands, on Main street.

SEC. 2. And be it further enacted, That the further sum of two thousand dollars is hereby appropriated for the purpose of completing and furnishing the house in a suitable manner to make it comfortable, to be drawn for from the treasury by drafts drawn by the president's private secretary in favor of the persons who may finish or furnish his house.

SEC. 3. And be it further enacted, That so much of an act locating temporarily the seat of government, as appropriated fifteen thousand dollars for the erection of public buildings, be, and the same is hereby repealed.

JOSEPH ROWE,

President of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

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AN ACT

To incorporate the city of Richmond, and the towns of San Felipe de Austin and Lagrange.

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 city of Richmond, be and they are hereby declared a body politic and corporate, by the name and style of "the corporation of the city of Richmond," and by that name

may sue and be sued, implead and be impleaded, and may hold and dispose of real, personal and mixed estate in said city.

SEC. 2. Be it further enacted, That all that tract of country known as the city of Richmond shall be known as the limits and boundaries of said city.

SEC. 3. Be it further enacted, That the chief justice of the county shall order an election to be held in said city, under the superintendence of some justice of the peace, on the first Monday of January next, for a mayor, a constable and eight aldermen: and an election shall be held on the first Monday in January of every year thereafter for the aforesaid officers, which election shall be conducted by the mayor or two aldermen, and the persons so elected shall continue in office for one year, or until their successors are qualified; the mayor so elected shall be commissioned by the chief justice of the county of Fort Bend, and shall have all the powers of an ordinary justice of the peace in all matters and cases arising under the criminal laws of the country, and shall be authorized and empowered to enforce and carry into effect any bye-laws and ordinances, the corporation from time to time shall ordain for the better regulation of the police thereof.

SEC. 4. Be it further enacted, That no person shall be eligible to any of said offices or to vote, who is not a citizen and freeholder or householder in said city.

SEC. 5. Be it further enacted, That the mayor shall be president of the board of aldermen, that a majority of said board shall constitute a quorum for the transaction of business, and that said board may enact such bye-laws for the government of said city, not inconsistent with the laws of the land, as may be deemed proper, and inflict such fines not exceeding one hundred dollars, as may be considered necessary.

SEC. 6. Be it further enacted, That the board of aldermen shall have entire control over the streets of said city, and may order new ones to be laid off, and old ones to be discontinued at their discretion; Provided however, that no new streets be opened on old ones discontinued except by unanimous consent of the board, and the board in such acts shall be governed by the laws of the land relating to roads and highways.

SEC. 7. Be it further enacted, That the board of aldermen shall have power to levy a tax on all persons, property, real and personal in said city; Provided, that the tax on real property shall not in any one year exceed ten per cent. ad valorem on such property, and no tax shall be levied on real estate, un-

less by consent of two thirds of the aldermen present, and it shall be levied at the beginning of each year, and be assessed and collected by an officer appointed by the board, in the same manner as the state tax is collected, and the board shall also have power to levy a tax on all taverns, tippling houses and billiard tables in said city.

SEC. 8. Be it further enacted, That all the public property in said city shall belong to said corporation, and the board of aldermen may dispose of it in such manner as the best interest of the city may require.

SEC. 9. Be it further enacted, That the board of aldermen shall have power to constitute and appoint such officers with the regulation of their compensation as may be considered necessary, and the officers so appointed may be removed at the pleasure of the board, and may be required to give bond with security to the mayor in such penalty, as may be deemed requisite, and shall perform such duties as may be enjoined upon them, and shall be liable to such fines for neglect of duty as may be imposed on them.

SEC. 10. Be it further enacted, That all offences against the bye-laws be prosecuted before the mayor in a summary manner, and execution may issue returnable forthwith, and the constable shall execute all writs directed to him by the mayor.

SEC. 11. Be it further enacted, That if the office of aldermen of said city shall become vacant by death, resignation or removal from said city, the board shall have power to appoint a successor, and should the office of mayor become vacant from either of the above mentioned causes, or otherwise, the chief justice of the county is hereby authorized to issue a writ for a new election, to be held on a day mentioned in said writ, and if the election required to be held on the first Monday in January of each year, shall not be held on that day it may be held at any time, by giving five days notice, and all elections for mayor or aldermen shall commence at ten o'clock A. M. and close at two P. M.

SEC. 12. Be it further enacted, That the constable shall give bond and security as other constables, shall be commissioned in the same manner, shall have the same power, and shall have the same fees as the other constables.

SEC. 13. Be it further enacted, That the board of aldermen shall make such compensation to the mayor, and allow him such fees as they may deem proper.

SEC. 14. Be it further enacted, That the town of San Fe-

lipe de Austin shall be organized in the same manner as the city of Richmond, and be governed by the provisions of this act.

SEC. 15. Be it further enacted, That the town of La Grange, in the county of Red River, is hereby incorporated with all the powers and privileges of the cities of Richmond and San Felipe de Austin.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of Ellen O'Donovan.

Resolved, By the senate and house of representatives of the republic of Texas, in congress assembled, That Ellen O'Donovan, be, and she is hereby authorized to take possession of a stock of goods belonging to the estate of her decease husband, upon her giving bond for the duties thereon, for the sum of two hundred and fifty dollars.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Nov. 18, 1837.

SAM. HOUSTON.

### AN ACT

Fixing the Salary of Indian Commissioners.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of five dollars per day be allowed to all Indian Commissioners, appointed by the president, according to law, while in actual service,

going to, and returning from, any place to hold or attempt to hold a treaty.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 1, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of Manuel Carabajal.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, that the president of the republic be, and he is hereby authorized to pay to Manuel Carabajal, a sum not exceeding twelve hundred dollars as a compensation for compiling the laws of Coahuila and Texas, upon his delivery to the secretary of state a copy of the aforesaid laws, and that the president be authorized to draw upon the secretary of the treasury for such sum.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 1, 1837.

SAM. HOUSTON.

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AN ACT

Amendatory to the several acts and ordinances granting Bounty Lands.

Whereas, much difficulty exists in reconciling the various conflicting laws granting bounty lands to the soldiers and officers who have served in the army, and the allowance does not bear an equal proportion in many cases to the services rendered, for remedy whereof,

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That the laws in existence granting bounty lands to those who have served in the army be so amended as to grant to all who have served three months in the army, three hundred and twenty acres of land; to all who have served for six months, six hundred and forty acres; to all who have served for nine months, nine hundred and sixty acres, and to all who have served twelve months or upwards, twelve hundred and eighty acres.

SEC. 2. Be it further enacted, That in all cases where warrants for bounty lands have been issued by the secretary of war, for less amounts of land than that specified in the first section of this act, it shall be his duty to issue warrants for the additional quantities allowed by this act.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 4, 1837.

SAM. HOUSTON.

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#### JOINT RESOLUTION,

Allowing the Secretary of War an additional Clerk.

Resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the secretary of war, be, and is hereby authorized to employ an additional clerk more than he has now in his office for the term of six months, who shall receive the same pay as the other assistant clerk of his office receives.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 4, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of John Buchanan.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the sum of one hundred and sixty dollars shall be, and the same is hereby required to be paid out of any moneys in the treasury not otherwise appropriated, to John Buchanan, for his services as secretary rendered the government, ad interim; and the auditor is hereby required to allow the said claim, of the said John Buchanan, and give a draft therefor, whenever the same may be presented for the amount mentioned in this resolution.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 9, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of John M. Clifton.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, that the first auditor be instructed to audit the accounts of J. M. Clifton, for fourteen hundred and thirty-four dollars, thirty-nine cents for his expenses in enlisting and mustering into the service of Texas ninety-seven men in the spring of eighteen hundred and thirty-seven.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 9, 1837.

SAM. HOUSTON.

## AN ACT

For the relief of Edmund P. Crosby.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be and he is hereby instructed to audit the amount of Edmund P. Crosby's account, say three hundred and fifty-one dollars and twenty-five cents, in duplicate, (as the original certificate has been lost,) for services in the navy, upon the said Crosby proving to the satisfaction of the auditor, that the original has been lost, and that the account is just.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR

President of the senate.

Approved, Dec. 9, 1837.

SAM. HOUSTON.

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 JOINT RESOLUTION,

Making appropriations for the General Land Office, and to defray the contingent expenses of both houses of congress.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the sum of five hundred dollars, be and the same is hereby appropriated for the purpose of procuring stationery for the general land office, and paying the contingent expenses of the same, and the treasurer is hereby authorized and required to issue promissory notes for that amount to the commissioner of the general land office.

SEC. 2. Be it further enacted, That the sum of five hundred dollars, be, and the same is hereby appropriated for the purchasing of stationery for the use of both houses of congress, and that the treasurer is hereby authorized and required to pay over to the respective clerk and secretary the above sum, and that the clerk and secretary be required to produce the vouchers shewing what disposition they may have made of the above sum

at the next meeting of congress, and all individuals holding claims coming within the pervue of this bill, present their accounts to the committee on contingent expenses.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of John Woodruff.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, that the treasurer be instructed to pay to John Woodruff, the sum of one hundred and twenty-three dollars and twenty-six cents out of the promissory notes.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

To incorporate the Colorado Navigation Company.

Sec. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That there shall be established a company under the name and style of the "Colorado Navigation Company," with a capital stock of one hundred and twenty-five thousand dollars, with the privilege of enlarging or increasing the same to two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of clearing out a channel susceptible of navigation by steam boats or other craft for the Colorado river.

SEC. 2. Be it further enacted, That books shall be opened on the first day of February next, to receive subscriptions for said capitol stock at the following places, to wit:—At the town of Matagorda, at the house of E. Mercer, in Colorado county, at the towns of Columbus, La Grange and Mina, under the superintendance of three commissioners at each place, to wit: at the town of Matagorda J. T. Belknap, A. L. Clements and S. Mussiana; house of E. Mercer, Thomas Rabb, E. Mercer and William Heard; town of Columbus, J. W. E. Wallace, Robert Brotherton and Stephen Townsend; town of La Grange, J. H. Moore, N. W. Eastland and Andrew Rabb; town of Mina, John G. McGehee, Richard Vaughn and Russel Craft; and shall continue open twenty days, and the said commissioners shall immediately thereafter transmit to the commissioners at Matagorda an account of the subscriptions taken at each place, and the said commissioners at Matagorda shall immediately on the receipt of the subscriptions, take an account of the whole subscriptions taken, and if more than one hundred and twenty-five thousand dollars shall have been subscribed for, the said commissioners shall deduct the amount of such excess from the largest subscriptions, in such manner that no subscription shall be reduced in amount whilst any remain larger, and in case of such deductions the said commissioners shall cause lists of such apportioned subscriptions to be made out, that the subscribers may thereby ascertain the number of shares apportioned to them respectively, and that in case a less amount than one hundred and twenty-five thousand dollars, shall have been subscribed for, the books may again be opened by and under the superintendance of the commissioners at the town of Matagorda, should they deem it advisable to do so, and be re-opened at such time and places as may be determined upon by said commissioners.

SEC. 3. Be it further enacted, That five per cent. of the capital stock shall be paid at the times of subscribing, the balance to be paid at such time as the directors may call for the same, by giving at least thirty days notice in some one newspaper; provided, that there shall not be an amount exceeding twenty-five dollars on a share called for at any one time; and provided further, that in case of failure of payment being made as aforesaid, the directors shall have the right to forfeit to the use of said company the amount paid on such stock.

SEC. 4. Be it further enacted, That the subscribers to said company, their successors and assigns shall be, and are hereby

created a corporation under the name and style of "The Colorado Navigation Company," and under that name shall be capable to contract, to buy, and receive all kinds of property, moveable and immoveable that may be necessary for said corporation, and to negotiate, grant, sell and dispose of the same, to borrow money on the faith of this charter, and also to pledge such property real and personal for the payment of the same, as in their opinion may best conduce to the interest of said company. To sue and be sued, to have a common seal and to establish such ordinances, rules and regulations as they may think necessary and practicable for the use and protection of the same, not contrary to the constitution and laws of the republic of Texas; provided, however, that this section shall not be so construed as to enable the company to hold more land than may be necessary to carry into effect the objects of this act; and provided further, that none of the funds of said corporation shall be used in purchasing lands, and all lands owned by the corporation shall be sold within five years from and after the passage of this act.

SEC. 5. Be it further enacted, That for the management of said company there shall be five directors annually elected, at the office of said company at the town of Matagorda, by the qualified stockholders of the capital stock of said company, by a plurality of votes then and there given: each share shall be entitled to one vote, and votes allowed by proxy.

SEC. 6. Be it further enacted, That it shall be the duty of the commissioners at the town of Matagorda, after one hundred and twenty-five thousand dollars of stock shall have been subscribed for, to advertise in some newspaper, that an election will take place at the office of said company at the town of Matagorda for the aforesaid directors, appointing the day for said election, which shall not take place at a shorter period than thirty days from the date of said advertisement.

SEC. 7. Be it further enacted, That the directors so elected shall elect a president from their own body, and said president and directors shall serve as such until their successors shall be duly elected and qualified.

SEC. 8. Be it further enacted, That the annual election for directors after the first election, shall be held on the first Monday in January in each year, and at their first meeting after their election, they shall proceed to elect from their own body a president, to hold his office for the same period as which the directors were elected; provided, always that in case at any

time it should so happen, that an election of directors or of president of said company should not be so made, as to take effect in the way required by this act, the said company shall not from that cause be deemed to be dissolved, but it shall be lawful at any other time to hold said election, and the manner of holding the same shall be regulated by the rules and ordinances of this company, and until said election be made the directors and president of the said company for the time being shall continue in office; and provided, also that in case of death, resignation, absence from the republic, non-acceptance or removal, the vacancies shall be supplied by the board of directors.

SEC. 9. Be it further enacted, That no one shall be eligible to the office of director, who is not the bona fide owner of five shares of the capital stock, of said company, and shall have held the same at least one month previous to their election.

SEC. 10. And be it further enacted, That the corporation is hereby invested with all the rights and powers necessary for the accomplishment of the objects for which they are incorporated.

SEC. 11. Be it further enacted, That said company shall commence opening the channel of said river and improving the navigation thereof within nine months, and complete the same sufficient for the passage of steam boats or other crafts, at least fifty miles up the said river, from the town of Matagorda, within four years from the passage of this act, and in case of non-compliance with this section, this charter shall be deemed forfeited; provided, however, that if an invasion of the country prevents said company from progressing with the work, that so much time as may be lost by reason of said invasion shall be added to the time specified in this section for the commencement and completion of the same.

SEC. 12. Be it further enacted, That after the said company shall have finished said work as required in section eleven, that is, rendered the Colorado river susceptible of navigation fifty miles above the town of Matagorda, the company shall have the power to levy, receive and collect such tolls upon all steam boats or other craft, and upon all freight carried up or down said river, as may be determined upon by said company; provided, that no part of the capital of said company shall be employed for any other purpose or project, except for the removal of obstructions in the river and the navigation of the same, and for an attempt at such project the charter shall be forfeited;

and provided also, that the charges or tolls shall be upon terms of equality to all persons who may wish to navigate the river.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

Creating the county of Montgomery.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That all that part of the county of Washington, lying east of the Brazos, and southeast Navisota rivers, shall constitute and form a new county to be known and designated by the name of Montgomery county.

SEC. 2. Be it further enacted, That the said county of Montgomery shall be included in the third judicial district, and the district courts thereof shall be holden at the county seat of said county, on the fourth Mondays of April and October in each and every year, and the county courts for said county shall commence and be holden on the second Mondays of February, May, August and November, in each year.

SEC. 3. Be it further enacted, That James Mitchell, Pleasant Gray, William Robinson, Elijah Collard, Charles Garnett, Joseph L. Bennet, B. B. Goodrich, D. D. Dunham, and Henry Fanthorpe, be, and they are hereby appointed commissioners, with power and authority (any five of them concurring) to select a proper place for the seat of justice for said county, and to obtain by purchase upon the faith and credit of the county, or receive by donation such quantity of land as will be sufficient for the erection of public buildings, and for defraying such other necessary expenses of said county as said commissioners may deem expedient and that the land so purchased or donated shall be under the superintendance and control of the board of commissioners of said county.

SEC. 4. Be it further enacted, That the said county of Montgomery, shall be entitled to one representative in congress,

and that the counties of Washington and Montgomery shall constitute a senatorial district.

SEC. 5. Be it further enacted, That the said county of Montgomery shall be organized in conformity with the several acts organizing the district and inferior courts, and in case any suit or suits are now pending in any of the courts of Washington county, wherein the defendant or defendants were residing in that part of Washington county lying east of the Brazos and Navasoto rivers, at the commencement of said suit or suits, it shall be lawful on application of the defendant or defendants in open court, for the court of Washington county to grant a removal of said suit or suits to the proper court of Montgomery county, and it shall be the duty of the clerk to furnish either party a copy of the records in such suit or suits.

SEC. 6. Be it further enacted, That the lower line of the county of Montgomery shall commence at the mouth of Lake creek, thence in a direct line to the head of Pond creek, and thence in a direct line to the mouth of Beeson's creek, thence up the Brazos river to the mouth of the Navasoto river.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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#### AN ACT

Regulating the time of holding District Courts of Brazoria, Matagorda and Jackson counties.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the district courts in and for the county of Brazoria, shall hereafter be allowed to continue their regular sessions for the period of three weeks and no longer.

SEC. 2. And be it further enacted, That the district courts, in and for the county of Matagorda, shall hereafter commence on the third Mondays after the fourth Mondays in March and September, and continue in session one week and no longer, and

in the county of Jackson, on the fourth Mondays after the fourth Mondays in March and September, and continue one week and no longer.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of S. Hatch.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That it shall be the duty of the auditor of public accounts to allow Sylvenus Hatch the amount of five hundred and sixty-two dollars and fifty cents, for iron furnished the army, which doth appear from a certificate of the person that received the same, and countersigned by P. Caldwell, quarter master, which was referred to the committee on claims and accounts of the house of representatives, and by them mislaid or lost.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

To establish the county of Fayette.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the territory embraced within the following boundaries, shall

constitute one of the counties of this republic, and be called the county of Fayette: beginning at Grassmeyer's ferry on the Colorado, thence in a north easterly direction at right angles with the general course of the river Colorado, to the divide between the waters of Colorado and the Brazos; thence down said divide, in a southeasterly direction to the southwest corner of a league of land granted to Wm. Burnett; thence southwestwardly crossing Colorado river, where the upper line of a league of land granted to J. Duty, corners upon the same; thence continuing the same course to the Lavacca, at the upper corner of the league of land granted to William Ponton; thence up the Lavacca with the line between Austin and Dewitt's colony to the head of said stream; thence in a north-easterly direction to the place of beginning, so as to leave Grassmeyer's in the county of Mina.

SEC. 2. Be it further enacted, That the seat of justice for said county shall be, and is hereby established at the town of La Grange, on the east side of the Colorado river, near the La Bahia crossing of the same.

SEC. 3. Be it further enacted, That immediately after the passage of this act there shall be a chief justice appointed for said county, who shall proceed to organize the same, in accordance with the laws, in such cases made and provided.

SEC. 4. Be it further enacted, That the county court for said county shall be held on the third Mondays in February, May, August and November; and the district courts shall be held on the third Mondays after the fourth Mondays in March and September in each year, and shall continue in session until all the business before said courts shall be finished.

SEC. 5. Be it further enacted, That the county of Fayette be attached to, and form a part of the third judicial district.

SEC. 6. Be it further enacted, That the county of Fayette be entitled to one representative, and be attached to the senatorial district of Mina and Gonzales.

SEC. 7. Be it further enacted, That the returns of the election for senator shall be made to the chief justice of the county of Mina, who shall issue the corresponding certificate to the person elected.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

Incorporating the city of San Antonio and other towns therein 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 San Antonio in the county of Bexar, be, and they are hereby declared a body politic and corporate, by the name and title of the city of San Antonio, and by that name may sue and be sued, plead and be impleaded, and may hold and dispose of real and personal estate in said city.

SEC. 2. Be it further enacted, That the bounds and limits of said city, and within which the said corporation shall exercise lawful jurisdiction, shall include and comprehend all that tract of land originally granted to and composing said city, with its precincts.

SEC. 3. Be it further enacted, That the qualified voters of said city shall elect members to form a city council, consisting of one mayor, or president, and eight aldermen, and also a treasurer and a collector; the mayor and aldermen shall appoint one or more constables as may be necessary, and shall regulate their salary or fees, and also a clerk or secretary, who shall possess a competent knowledge of the Castilian and English languages, and whose salary and fees shall likewise be fixed by said council, shall give good and sufficient security to be approved by the chief justice of the county, for the faithful discharge of their duties and of the trusts reposed in them; the amount of their bonds if forfeited to be paid into the city treasury.

SEC. 4. Be it further enacted, That the first election under this act, shall take place on the first Monday in March, one thousand eight hundred and thirty-eight, and every following year on the first Monday in January, and public notice thereof, shall be given at least eight days preceeding said election, in the first instance by the chief justice of the county, or during his absence or indisposition by one of the associate justices, under whose direction the first election shall be held, and ever afterwards under that of the mayor and two aldermen, who with the remainder of the council, shall exercise the functions of their office until their successors are duly sworn in: each member of said council and all officers appointed by it, shall take an oath of office in the accustomed form.

SEC. 5. Be it further enacted, That no person shall be a member of said council nor be entitled to vote for any member thereof, who is not either a householder or owner of real estate within the boundaries of said corporation, and who has not resided therein at least six months previous to an election, and paid up his city taxes.

SEC. 6. Be it further enacted, That the mayor as president with a majority of the council, shall constitute a quorum for the transaction of business; they shall have power to enact and enforce such ordinances and regulations as they may deem necessary for the better government of their city and its precincts; Provided, the same shall not conflict with the constitution and laws of the republic; they shall also form bye-laws to regulate their own proceedings, and shall have entire control in all that relates to the police of the city, such as paving and cleaning the streets, regulating the markets, removing nuisances, and procuring for the city a supply of wholesome water; for these and such like purposes they are authorised to levy equitable and moderate taxes, on all fixed and moveable property within their jurisdiction, and recover the amount of the same by the most summary process: the poorest class of citizens who may be exempt from direct taxation, shall be obliged to contribute by their manual labor towards all works of public utility, the quantity of said labor to be equally apportioned and received in lieu of pecuniary contribution or vice versa. The council is authorized to inflict moderate fines for infractions or disobedience of its ordinances, and recover the same by summary proceedings; Provided, that in all cases, either of unequal taxation, undue demand for labor or excessive fines, the parties aggrieved shall have the right to appeal to the county court.

SEC. 7. Be it further enacted, That the said council are also authorized to grant licenses to persons retailing spirituous liquors, to keepers of billiard tables and others; Provided, that no gaming establishment, nor any other contrary to law shall be sanctioned or covered by such licenses.

SEC. 8. Be it further enacted, That the said council in conjunction with the justices of the county courts are hereby empowered and authorised to sell and alienate such public lots or parcels of land as may lie within their jurisdiction, and to which there is no legal claimant or title, and also to dispose of such houses or other buildings as may have formerly been the property of the corporation of said city, and the council may sue for and recover all debts, forfeitures, &c. accruing or due to

the said corporation, the proceeds of such sales to be appropriated to the erection or repairs of a court house, jail and other such public edifices as may be deemed most fit, and to the erection and endowment of a public school.

SEC. 9. Be it further enacted, That the mayor and aldermen of said council shall be commissioned by the chief justice of the county to act as justices of the peace, exercising the same powers and entitled to the same fees as other magistrates of the same class.

SEC. 10. Be it further enacted, That it shall be the special duty of said council to promote by every equitable means, the establishment of a common schools, male and female within the limits of the corporation in which the English language shall be taught, and the children of the poor class of citizens invited and received gratis.

SEC. 11. Be it further enacted, That the town of Victoria be, and the same is hereby incorporated, and shall have the same power and be governed by the same rules and regulations as are enacted in the act of incorporation and government of the city of San Antonio, with the exception of having but five aldermen instead of eight.

SEC. 12. Be it further enacted, That the town of Gonzales be, and the same is hereby incorporated, and shall have the same power and be governed by the same rules, that are enacted for the incorporation and government of the city of San Antonio.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

To create a board of Medical Censors for the republic of Texas.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be elected by joint vote of both houses of congress, one physician of each and every senatorial district in this re-

public, who shall be a resident citizen of the same at the time of his election, which men when so elected shall form a board of medical censors for the republic, and may continue in office during good behaviour, whose duty it shall be to grant license to practice medicine and surgery in this republic.

SEC. 2. And be it further enacted, That the said board of medical censors shall meet annually at the seat of government on the second Monday of November, then and there to transact the several duties herein required of them, and the said board shall at their first meeting, elect from their own body a president and a secretary, who shall hold their office for a term of one year or until their successor shall be duly qualified.

SEC. 3. And be it further enacted, That it shall be the duty of said board of censors at their first meeting to adopt rules and regulations for their government and to establish the method of taking evidences of qualification, and granting licenses to applicants therefor, to practice medicine and surgery any where in this republic upon satisfactory evidence of qualification being produced to the board in such manner as the said board may hereafter adopt: giving due weight to usual credentials, reputation established by experience, and the test of examination under the direction of said board.

SEC. 4. And be it further enacted, That one third of said board shall form a quorum to transact business, shall have power to fill vacancies, and by a vote of two thirds of the members present may expel a member.

SEC. 5. And be it further enacted, That all licenses to practice medicine and surgery, or either, shall be signed by the president of the board, and countersigned by the secretary thereof except the temporary licenses: and for such licenses the applicant shall pay the sum of twenty dollars, and any charge for medical services shall not be recoverable in any court of law or equity in this republic, after the first day of June next, unless the person rendering such services were furnished at the time with a license in manner as herein prescribed for and required.

SEC. 6. And be it further enacted, That to prevent delay and inconvenience a single member of the board of medical censors may grant temporary licenses to applicants therefor, and make report thereof to the next meeting of the said board for confirmation, or further evidence of qualification to be given by the applicant; Provided, that a temporary license shall not continue in force longer than one month after the next meeting of

the board, and that a temporary license shall in no instance be granted by a censor after the applicant has been refused a license by said board of censors, and the applicants shall not be charged any pay for said temporary license.

SEC. 7. And be it further enacted, That no person shall be appointed, or hold a commission in the army or navy for any office in the medical staff of the army of this republic any time after the first of June next, unless he be furnished with a license to practice medicine and surgery as herein provided.

SEC. 8. And be it further enacted, That said board shall enter on a book to be kept by them for that purpose the names of each and every person they shall license to practice medicine or surgery, and the time of granting the same, together with the names of the board present, and shall publish the same in some newspaper at the seat of government within thirty days thereafter.

SEC. 9. And be it further enacted, That all moneys which may be paid for licenses to the said board of censors shall be the property of the same, and may be used by them in any manner they may think proper.

SEC. 10. And be it further enacted, That it shall be the duty of the president of the republic, so soon as the board of medical censors herein created shall be elected, to notify them thereof and commission them, as well as such others as may be duly made agreeably to the act, upon being notified thereof by the president of said board of medical censors.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

To Compensate the Commissioners appointed to select a site for the seat of Government.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That each of the commissioners appointed to receive propositions to locate the seat of

government, examine sites &c. &c., be authorized to receive five dollars per day while in employment in the discharge of that duty, and that the certificate of the speaker of the house of representatives be a sufficient voucher for the same, and the auditor is hereby required and instructed to audit and allow such claims on the presentation of such certificate of the speaker of the house of representatives, to be paid in civil list.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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### AN ACT

To define the boundaries of the county of Gonzales.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the boundaries of the county of Gonzales be, and the same are hereby established in the manner following, viz: beginning on the west bank of the Labacca river, at the lower corner of a tract of land deeded to Andrew Kent, thence on a direct line to the crossing of the La Bahia road, on the Guadalupe river, thence continuing the same direction the distance of fifteen miles from said river to a point for the south west corner, thence on a direct line to the crossing of the road leading from Gonzales to San Antonio, on the western branch of the Sandies; thence continuing the same direction to the upper San Antonio road, thence with said road to the north east corner of Dewitt's colony, thence with the line of said colony to the place of beginning.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To provide for the punishment of Crimes and Misdemeanors committed by slaves and free persons of color.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, the following shall be considered as capital offences when committed by a slave or free person of color, to wit: Insurrection or any attempt to excite it, poisoning or attempting to poison, committing a rape or attempting it on any free white female, assaulting a free white person, with intent to kill, or with a weapon likely to produce death, or maiming a free white person, arson, murder, burglary, every and each of which offences shall be triable in the district courts and upon conviction shall be punished with death.

SEC. 2. Be it further enacted, That it shall not be lawful for any free person of color, to inveigle or entice away from their owner or master, any slave or slaves, nor to aid or assist any slave or slaves in leaving this republic, without the consent of the owner of such slave or slaves: nor shall it be lawful for any free person of color to conceal or render aid or assistance to any runaway slave, with the intent to prevent the return of such runaway to his or her owner, and upon conviction of any of the foregoing offenses before the district courts, such free person of color shall be fined in a sum equal to the value of such slave or slaves, and on failure to pay the said fine shall be sold as a slave for life.

SEC. 3. Be it further enacted, That all other crimes and misdemeanors, known to the common law of England, committed by slaves, shall be triable before the county courts, and on conviction shall be punishable at the discretion of said court, so as not to extend to life or limb.

SEC. 4. Be it further enacted, That upon complaint made upon oath to any member of the county court, of any offence not capital having been committed by any slave, it shall be the duty of said court forthwith to call a special term of said court for the trial of such slave, and when any such special term may be called, it shall be the duty of the county court in conjunction with the sheriff to draw fifteen jurors, in the usual way to attend such term, and if any of them should fail to attend, or from challenges the number of twelve should not be had, it shall be made up from the bystanders.

SEC. 5. Be it further enacted, That it shall not be necessary in such cases, that a bill be found by a grand jury, but the party shall be required to proceed to trial upon a charge made out and signed by the person lodging the information setting forth the offence with which such slave stands charged.

SEC. 6. Be it further enacted, That if any slave or free person of color shall use insulting or abusive language to, or threaten any free white person, upon complaint thereof before any justice of the peace, such justice shall cause such negro to be arrested, and upon conviction, the slave or free person of color, shall be punished by stripes not exceeding one hundred nor less than twenty-five.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Concerning the public Archives.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That it shall be the duty of every person or persons, who may have in his or their possession or control any titles or documents whatever, which relate to lands, and which by the laws now or hereafter existing in Texas, have been and are considered "Archives," to deliver the same to the commissioner of the general land office, on his order, within sixty days after the final passage of this act.

SEC. 2. And be it further enacted, That any and all persons comprehended within the meaning and provisions of the first section of this act, who shall fail or refuse to comply with the duties herein required, shall be taken and considered as guilty of a high misdemeanor, and shall upon conviction thereof, before the district court, be fined not less than one thousand dollars, nor more than five thousand dollars at the discretion of the court, and in default of payment, shall be committed until said

fine is paid, and the person so offending in addition to the aforesaid fine, shall forfeit all land he may own in this republic and be forever incapable of acquiring any, and shall neither vote nor be eligible to any office civil or military under this government.

SEC. 3. And be it further enacted, That at the end of the sixty days from and after the final passage of this act, or at any time thereafter upon information being given, it shall be the duty of the commissioner of the general land office to notify the district attorney of all those who may have offended against its provisions, and it shall be the duty of the district attorney of the proper district to commence and institute prosecutions against all persons so offending in the premises, and they shall be held in close custody, without bail or mainprize until the archives which may be in their control or possession are delivered over to the proper officers, and his receipt obtained therefor.

SEC. 4. And be it further enacted, That it shall be the duty of all grand jurors and civil officers of this republic to be aiding and assisting in carrying into effect the provisions of this act and to give information of all violations of the same which may come to the knowledge of any or either of them.

SEC. 5. And be it further enacted, That it shall be the duty of the secretary of state, forthwith after the final passage of this act, to have it published in the Texas Telegraph and transmit copies thereof to the chief justices of the several counties of this republic.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Authorizing the Treasurer of the Republic to issue Change Notes.

SEC. 1. Be it resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the treasurer of the republic is hereby authorized to issue change

notes of the several denominations of one, two, and three dollars to an amount not exceeding ten thousand dollars, signed by his chief clerk, redeemable by himself on presentation in the promissory notes of the government, authorized by an act passed June 9, 1837.

SEC. 2. Be it further resolved, That the said treasurer shall be required to reserve, in the treasury at all times, an amount of promissory notes equal to the issue of said change notes, for the redemption.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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#### AN ACT

To clear out the rivers Attoyac, Angelina and Neches.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That for the purpose of clearing out and improving the navigation of the rivers Attoyac, Angelina and Neches, the county courts of the several counties contiguous to and adjoining the said rivers, are hereby authorized and directed to appoint three commissioners from each of said counties, whose duty it shall be to examine said streams, and to make a minute of the expenses necessary to open the same, to remove all the obstructions to the navigation thereof, and to report the same to the county courts of their respective counties, as early as may be practicable.

SEC. 2. Be it further enacted, That it shall be the duty of each of the said county courts on the receipt of the report of the commissioners to make an estimate and valuation of the lands bordering on the said rivers, and that they be authorized to assess and collect from the proprietors of such lands a tax not to exceed two cents per acre, which tax shall be collected in the same manner, and under the same penalties as are prescribed for the collection of the general tax on lands.

SEC. 3. Be it further enacted, That it shall be the duty of the several commissioners to be appointed by the county courts afore-

said, to examine each of the said rivers, and report to the highest point on the same, that it may be practicable to render them navigable by steam boats of the smallest class, it being the intention of this law to render the said water courses as extensively beneficial as possible, and the county courts shall endeavor to remove the obstructions to the navigation of said rivers as far as may be practicable.

SEC. 4. Be it further enacted, That for the more certain completion of the work herein intended, it shall be the duty of the county court to employ a sufficient number of competent men to execute the same, and to appoint one supervisor for each county, whose duty it shall be to superintend said work and the workmen employed on the same, within their respective counties; and the said supervisor shall be responsible to, and under the direction of the said county court, and removeable by them at pleasure.

SEC. 5. Be it further enacted, That it shall be the duty of the chief justice of each county to make a full report tri-annually to the secretary of state, of the proceedings of the court under this act, and of the progress made in the removal of the obstructions to the navigation of the rivers aforesaid, and the said chief justice, together with each of the associate justices, shall be responsible to the executive for all the moneys which may come into their hands, from the assessment of taxes as herein before authorized.

JOSEPH ROWE,

President of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

To prevent the issuing of individual Printed or Lithographed Notes.

Be it enacted, by the senate and house of representatives of of the republic of Texas, in congress assembled, That from and after thirty days from the passage of this act, it shall be unlawful for any person or persons, to either issue or put in circulation

any printed or lithographed promissory notes of any denomination whatever, or any other printed or lithographed note, bill or paper, purporting to represent the value of money and intended for circulation; and any person violating the provisions of this act, shall on conviction before any justice of the peace, or other court of this republic, be fined in a sum not less than five dollars nor more than fifty dollars for each offence, and it is hereby made the duty of all grand juries of this republic to enquire into and present all persons offending against the provisions of this act, and any person within ten days after the passage of this act, who shall present in payment of debt or for purchase of any property whatever any of the above promissory notes, shall be on conviction fined not less than five dollars nor more than fifty dollars.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

To define the boundaries of the county of Shelby.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the following limits shall compose the boundaries of the county of Shelby, from and after the passage of this act, viz: the line beginning at the mouth of the Small Bayou which empties into the Sabine river, just below the town of Hamilton, and running up that Bayou to the crossing of the road leading from Hamilton to San Augustine, thence on that road to a point opposite Buckley's, thence on a direct line including Buckley's house to a house lately built by J. Rowe, thence on a direct line to a point right on the road leading from J. M. Bradley's to San Augustine, one and a half miles distant from said Bradley's, thence on a direct line to Kerr's ferry on the Attoyac river, thence up that river to its source, or to the crossing of Trammel's trail; but if the said trail should cross above the head waters

of that river, then the said line shall run due west, from its head waters to said trail; thence on that trail to the Sabine river, thence up that river to the Cherokee crossing of the same, thence on the road leading to Jonesborough to the Big Cypress Bayou, thence down that bayou to Lake Sodo, thence east to the boundary line between this Republic and the United States of the north, thence along said line south to the Sabine river, thence down the said river to the beginning point.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

To define the boundaries of the county of Washington.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all that district of country within the following described boundary be, and compose the county of Washington, (to wit:) beginning at the mouth of Caney creek, on the west bank of the Brazos river; thence up said creek to its most northwestern source; thence in a western direction, to the south east corner of the league of land granted to Harman Hensely on Mill creek; thence west on the ridge dividing the waters of Cummings creek, of the Colorado, and the waters of New Years and Yegua creeks of the Brazos; thence north along said ridge with the eastern boundary of the counties of Fayette and Mina to the old San Antonio road; thence east with said road to the Navasoto river; thence down said river to its mouth; thence down the river Brazos to the place of beginning.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

## AN ACT

To incorporate the town of Matagorda.

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 towns of Matagorda, the City of Hamilton and the town of Sabine, both on the Sabine river, be, and they are hereby incorporated as bodies politic with the same powers and privileges as are conferred upon the town of Brazoria, by an act passed at the extra session of this congress.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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 JOINT RESOLUTION

For the purchase of the Steamer Pulaski.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be and is hereby instructed to purchase and arm for the national defence of this republic, the marine steamer Pulaski, and the necessary sum for so doing is hereby appropriated out of any unappropriated money in the treasury.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To pay the officers and soldiers of the Army and Navy,

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That two hundred and fifty thousand dollars, of the promissory notes authorized to be issued by an act passed on 9th of June, 1837, are hereby expressly appropriated for the payment of arrearages now due the officers of the army and navy, and the soldiers and sailors of the same.

SEC. 2. Be it further enacted, That every person entitled to the payment provided by this act, shall, when he presents his drafts to the treasurer, take an oath that said draft or drafts were originally issued to him, and that since, he has not sold, alienated or pledged the same to any person, and that he is now the bona fide and sole owner of it or them. If there be any endorsement or appearance of endorsement on any draft, the holder shall be required to produce satisfactory proof to the treasurer that the said draft has never been sold or transferred.

SEC. 3. Be it further enacted, That if the situation of the republic should be such as to require a greater issue of the promissory notes than the amount appropriated by an act passed the 9th of June, 1837, that the president be, and he is hereby required to have issued one hundred and fifty thousand dollars of the promissory notes of the government, of the same character and no more: and also that the treasurer, or his chief clerk, is hereby authorized to administer the oath prescribed in the second section of this act. And further provided, that the president be authorized to appoint a proxy to sign his name to the above notes.

JOSEPH ROWE.

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

## AN ACT

Supplementary to "an act to pay the officers soldiers and sailors of the Army and Navy."

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That the benefits of the above recited act is intended to be extended to all officers, soldiers and sailors who may now be, or have been heretofore engaged in the defence of the country, either in the army or navy.

SEC. 2. Be it further enacted, That the benefits of this act shall be extended to those who rendered actual, personal, and only for personal services in the army and navy, and only that portion of them who are the original holders of said claims.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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 AN ACT

To define the boundaries of the counties of San Augustine and Sabine.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the boundary line of the county of San Augustine, shall begin on the Attoyac river, at the line of the county of Shelby, and run on that line to the line of the county of Sabine; thence on that line to the crossing of the road over the Pollygotch bayou, near Mr. Sneeds; thence on a direct line to Mr. Pressnalls; thence southwest to the road leading from San Augustine to Zavala; thence on that road to the line of the county of Jasper; thence on that line to the Angelina river; thence up that river to the mouth of the Attoyac; thence up the west bank of that river to the beginning point.

SEC. 2. Be it further enacted, That all the territory lying west of the Sabine river, south of Shelby, east of San Augustine county, and north of Jasper county, and not included in any other county, shall constitute and compose the county of Sabine.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

Creating the county of Fannin.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That all the territory included within the following limits to wit: Beginning at the mouth of the Bois d'Arc creek, thence up said creek to the crossing thereof, at the residence of Carter Cliffts; thence south to a point thirty miles in a straight line from the place of beginning; thence westwardly and northwardly to Red River, so as to include all the territory within the aforesaid bounds, and east of the cross timbers, thence down Red river to the place of beginning, be and the same is hereby created into a new county to be called the county of Fannin.

SEC. 2. Be it further enacted, That the said county shall be organized, in conformity with the provisions of "an act creating the county of Houston," and that the first court of said county shall be held at the residence of Jacob Black, on the last Monday in January, 1838; and thereafter on the first Monday in March, June, October and December, in each year, and shall remain in session each term until the business before the said court shall be disposed of.

SEC. 3. Be it further enacted, That said county shall be and the same is hereby included in the first judicial district, and the district courts of said county shall be held on the second Mondays after the first Mondays in March and September in each year.

SEC. 4. Be it further enacted, That it shall be the duty of the county court of said county at the first term thereof to appoint two commissioners from the lower, and two commissioners from the upper end, and one commissioner from the centre of said county whose duty it shall be to locate the permanent seat of justice for said county; and said commissioners after being sworn, shall proceed to locate the same as near the centre of said county, with a view to future divisions and the constitutional size of the same, as a sufficiency of water, timber, and other conveniences may be found, who shall receive from the treasury of said county such compensation as may be allowed them by the county court thereof; whose duty it shall be, so soon as the seat of justice is located, to remove all the public records of said county to said place, and hold their courts at such place.

SEC. 5. Be it further enacted, That said county of Fannin, and the county of Red river shall constitute and compose one senatorial district.

JOSEPH ROWE,  
Speaker of the house of representatives.

S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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#### JOINT RESOLUTION

Locating permanently the seat of Justice for the county of Brazoria.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled. That Brazoria in the county of Brazoria be, and the same is hereby declared to be the permanent seat of justice for said county.

JOSEPH ROWE,  
Speaker of the house of representatives.

S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

AN ACT

To define the boundaries of Jasper county.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the following boundaries shall be the permanent bounds of Jasper county; beginning on the Sabine river, at the northeast corner of Jefferson county; thence along the north line of said county to the Neches river; thence up said river to old fort Terran, thence in a direct line to the mouth of Big Bear creek; thence up said creek to Jones' bridge; thence in a direct line from Bear creek in a direct line to McKims; thence in a direct line to Bevil's ferry, on the Sabine.

SEC. 2. Be it further enacted, That the chief justice of Jasper county shall issue an order for an election, to be held on the last Monday in January, 1838, to elect three commissioners for selecting a proper site for the permanent seat of justice for said county; and said commissioners immediately after being notified of their election shall forthwith proceed to select such place as is in their opinion the best calculated for a county seat of said county, and report the same to the chief justice of said county.

SEC. 3. Be it further enacted, That if the commissioners should select a place on private property, then they shall buy or receive it as a donation to the courts so much land as may be necessary for a county seat, and divide it off into suitable sized lots for building on, and sell the same on a credit of six and twelve months, the purchaser giving bond and security until final payment, and the proceeds to be paid into the county treasury for the use of said county.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

## AN ACT

## Creating the county of Robertson.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all that section of country lying and situated in the following boundaries be, and the same is hereby set apart and constituted a new county, to be known and called by the name of "Robertson," viz: the line beginning on the Brazos river, at the county line of the county of Washington, and running on that line easterly to the Trinity river; thence up that river to the northern edge of the Cross Timbers; thence due west to the Brazos river; thence down that river to the beginning point.

SEC. 2. Be it further enacted, That the said county of Robertson shall be organized in conformity with an act, entitled "an act, to organize the inferior courts, and defining the powers and jurisdiction of the same;" and it shall be the duty of the chief justice of the county of Robertson forthwith after his qualification, to give at least ten days public notice in such places in the said county as he may deem necessary, to hold an election for the seat of justice for said county, in which election all persons qualified to vote for members of the general congress, and residing within said county, shall be entitled to a vote.

SEC. 3. Be it further enacted, That the said county of Robertson shall be attached to the senatorial district of Milam, and be entitled to one representative in congress, and that the county courts for the said county of Robertson, shall commence and be holden on the third Mondays of February, May, August and November in each and every year; and that the said county shall belong to the third judicial district, and a district court shall commence and be holden at the county seat of said county, on the Monday next succeeding the fourth Mondays of the months of April and October in each and every year.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Requiring the auditor to audit the accounts of Geo. W. Bonnel.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor of public accounts be, and he is hereby required to audit the accounts of George W. Bonnel, amounting to eight hundred and seventy-five dollars, for expenditures made by him in recruiting and bringing into the service of this republic a company of volunteers in the year 1836.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

To sustain the Currency of the Country.

Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That from and after the passage of this act, nothing but gold and silver or promissory notes of this government, shall be received in payment of duties on goods imported into this republic, nor shall any bank notes be received in payment of any dues to the government of Texas.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

## AN ACT

To prohibit the further sale of Land Scrip.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the president be, and he is hereby authorized and required to issue his proclamation forthwith recalling our agent sent to the United States for the Sale of land scrip, and forbidding the sale of any more.

SEC. 2. Be it further enacted, That the said agent be required forthwith to return to the secretary of the treasury all the land scrip in his possession, and should he fail or refuse to do so, four months after the first day of January next, he shall be considered guilty of a high misdemeanor, and on conviction before any court shall be fined in a sum not less than five thousand dollars, nor more than twenty thousand dollars, which fine shall go to the use of the republic, and shall be liable and subject with his securities, to be sued on his bond also.

SEC. 3. Be it further enacted, That all sales of land scrip made by said agents after receipt of the president's proclamation shall be null and void.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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 AN ACT

To require the district Judges to reside permanently in their proper districts, and for other purposes.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That it shall be the duty of each district judge to reside permanently in his district, unless absent on official duties or by special

leave of the president, which special leave shall not extend beyond two months in each year, and shall not interfere with the regular terms of the court, and any judge for a violation of the provisions of this section, and for absenting himself from any term of a court, where, by law he is required to attend, shall be liable to be fined in the sum of one thousand dollars, upon motion before the supreme court, reasonable notice being given to the party of such motion, and shall also be liable to an action for damages by any party aggrieved by reason of such absence, or failure to attend the court.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of Anson Jones.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor be required to audit the accounts of Dr. Anson Jones, for the sum of fourteen hundred and sixty-five dollars thirty-three and one-third cents, for his services as apothecary general, from the 6th of October 1836, to the 10th May, 1837; also two hundred and ten dollars expended by him for the rent of a store house from 1st July 1836, to the 1st day of February, 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

For the relief of Charles Durocha.

Resolved, by the senate and house or representatives of the republic of Texas, in congress assembled, That the auditor be required to audit an account of Charles Durocha, the sum of one hundred and two dollars to be paid out of the funds to be appropriated for the payment of the civil list.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

To select a Committee of five &c. to locate the seat of Government.

SEC. 1. Resolved, By the senate and house of representatives of the republic of Texas, in congress assembled, That they will elect a joint committee of five, two from the senate and three from the house of representatives, to be elected by their different houses, to whom shall be referred all propositions for the location of a permanent seat of government, that the said committee be instructed forthwith after the adjournment of congress, to repair to that section of country in which it is proposed to locate the seat of government, and examine, and make plots of the different places proposed as proper for the seat of government, and to visit and examine such other places as may be proposed for the seat of government, and prepare plots and descriptions of all such place with the conditions on which they can be had by the government, and report thereon on the first Monday of the next meeting of congress.

SEC. 2. And be it further resolved, That said committee, shall receive the same pay as if in actual session of congress, for the time they are serving on said committee, and they are herc-

by instructed to make contracts on the most favorable terms they can, subject in all cases to the ratification or rejection of congress.

SEC. 3. And be it further enacted, That the said committee shall have power to make reservation of all vacant lands which may be situated within nine miles of any point which the committee may think proper to designate as suitable locations for the seat of government, and due notice of said reservation shall be forthwith given in at least three public newspapers, and no county surveyor shall survey any land in the said reservation, until after said reservation shall be relinquished by congress; Provided, that it shall not be lawful for said committee, to make such reservations in more than five different places.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 14, 1837.

SAM. HOUSTON.

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AN ACT

Precluding aliens from being appointed to office.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, it shall not be lawful for the president or either of the heads of departments to appoint any person to any civil office, (consuls to foreign ports excepted,) unless such person shall have residence at least six months in the republic, and is a citizen of the same; nor shall any alien be appointed to any military office in this republic, except in case of invasion, or the prosecution on our part of offensive warfare against Mexico.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

## AN ACT

Entitled "an act to reduce into one act, and to amend the several acts relating to the establishment of a General Land Office."

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be, and is hereby established a General Land Office for the Republic of Texas, to be located at the seat of government, or at such place as may hereafter be designated by law, the chief officer of which shall be called the Commissioner of the General Land Office, which said officer shall be appointed by the president by and with the advice and consent of the senate, shall enter into bond with three or more securities, payable to the president or his successors in office, in the penalty of fifty thousand dollars, conditioned for the faithful performance of the duties of his office; said bond and securities to be approved by the president and senate, which bond shall be filed in the office of the secretary of state, and shall hold his office for the term of three years. Provided, the provisions of this section shall not affect the present incumbent of that office, except so far as relates to his giving bond and security, and holding his office for three years from the date of his appointment; and the said commissioner of the general land office shall receive a salary of three thousand dollars per annum, payable quarterly.

SEC. 2. Be it further enacted, That the commissioner of the general land office be, and he is hereby authorized to appoint a chief clerk, which said clerk shall receive a salary of sixteen hundred dollars per annum, and two assistant clerks, who shall receive, as a salary, twelve hundred dollars each per annum, payable quarterly.

SEC. 3. Be it further enacted, That the said chief clerk shall enter into bond with three or more securities, to be approved by the commissioner of the general land office, in the sum of twenty thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of the duties of his office, (which bond shall be deposited in the office of the secretary of state,) who, in case of the absence of the commissioner of the general land office, or his inability to at-

tend to the duties thereof, shall perform all the duties appertaining to said office.

SEC. 4. Be it further enacted, That all officers appointed, or to be appointed, under the provisions of this act, shall, before entering on the duties of their office, take and subscribe the following oath, to wit: "I, A B, do solemnly swear, that I will faithfully discharge the duties of my office, without favor or partiality, so help me God," which said oath shall be transmitted to, and filed in the office of the secretary of state.

SEC. 5. Be it further enacted, That the commissioner of the general land office shall cause to be provided a seal of office, which seal shall not be changed except by law; and certified copies of any records, books, or papers, belonging to said office, under the signature of the said commissioner, or chief clerk with the seal of office thereunto attached, shall be competent evidence in all cases where the originals could be evidence.

SEC. 6. Be it further enacted, That the commissioner of the general land office be entitled to, and shall keep charge of the seal; and also that he be, and is hereby entitled to and shall have custody and control of all books, records, papers, and original documents, appertaining to the titles of lands, heretofore and by the provisions of the law denominated archives; and that the said books, records, papers, and original documents shall become and be deemed the books and papers of said office.

SEC. 7. Be it further enacted, That all patents issuing from the land office, shall be in the name of the republic of Texas, and under the seal of said office; shall be signed by the president of the republic, and countersigned by the commissioner of the general land office, or by the chief clerk thereof.

SEC. 8. Be it further enacted, That no person appointed to an office instituted by this act, or employed in any such office, shall directly or indirectly be concerned in the purchase of any right, title, or interest in any public land, either in his own name, right or interest for any other person, or in the name or right of any other person, in trust for himself; nor shall take or receive any fee or emolument for negotiating or transacting the business of said office, other than those fees allowed by law. Any person offending in the premises against the prohibition of this act, shall on conviction thereof before the district court, be removed from office, and fined in any sum not less than five hundred dollars, and shall forfeit all the land he owns in the repub-

lic, and never after be allowed to hold any office of trust or profit in this republic.

SEC. 9. Be it further enacted, That there shall be elected by joint vote of both houses of congress, for each county, a county surveyor, who shall reside at the county seat, and whose duty it shall be to receive and examine all field notes of surveys, which have been or may hereafter be made in said county and upon which patents are to be obtained, and shall certify the same under his hand to the commissioner of the general land office, after having recorded the same in a book to be kept by him for that purpose; and shall immediately return the same to the president of the board of land commissioners of said county. He shall before entering upon the duties of his office, enter into bond with three or more securities, to be approved by the board of land commissioners of the county, in the sum of ten thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of his duties; which said bond shall be recorded in the clerk's office of said county, and the original transmitted to the office of secretary of state; and the said surveyor shall hold his office for three years, and be re-eligible. He shall be entitled to charge on all field notes and plats presented to him for inspection, for every set of field notes and plat of a league and labor of land, five dollars; for one-third of a league, four dollars; and for every less quantity, three dollars. His books shall be open at all times for inspection, and he shall be allowed thirty-seven and a half cents for every search. He shall appoint as many deputy surveyors as he may deem necessary for the county; and shall administer to them the oath of office, and take the bond hereinafter prescribed, and shall furnish them such instructions as may be furnished to him from time to time by the commissioner of the general land office; and such deputy surveyor, before he enters upon the duties of his office, shall enter into bond, with two or more securities, to be approved by the county surveyor, in the sum of five thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of the duties of his office; and for such appointment of a deputy surveyor, the county surveyor shall be allowed to charge and receive from the person so appointed, the sum of five dollars.

SEC. 10. Be it further enacted, That it shall be the duty of each deputy surveyor, to administer an oath to each individual employed by him as chain carrier or marker, for the faithful performance of his duties as such, in accordance with the in-

structions given him: and no African, or Indian, or descendant of either, or any person under the age of sixteen years, shall be employed in either of the above capacities; and further, it shall be the duty of said surveyors to subscribe the name of each of the chain carriers to his field notes, previous to his returning the same to the county surveyor. He shall also state, to the best of his knowledge or belief, the number of labors of irrigable lands, the number of labors of temporal or arable lands, and the number of labors of pasture lands, in each survey, for that class of claimants who are entitled to land under the constitution and colonization laws, which shall be plainly written out in the field notes, and also inserted in each patent; and for all such surveys he shall charge and receive three dollars for each English lineal mile actually run.

SEC. 11. Be it further enacted, That there shall be elected by joint vote of both houses of congress, a commissioner, who shall be president of the board, and two associate commissioners, for each and every county, who shall compose and constitute a board of commissioners for their respective counties, to be styled a "Board of Land Commissioners," whose duty it shall be to investigate all claims on this government for head rights to lands; and they are hereby authorized and required to grant to any person or persons, a certificate of their claim or claims, upon such proof being made to them, by the party or parties claiming, as is herein required, setting forth in said certificate the amount of land the claimant is entitled to, upon what conditions, and the time when he, she, or they, emigrated to this country. The presidents of the boards of land commissioners shall be receivers of public monies, for their respective counties, and shall enter into bond with good and sufficient security, to be approved by the county court, or if there be no county court, the board of land commissioners, in the sum twenty thousands dollars, payable to the president of the republic of Texas, or his successors in office, and conditioned for the payment of all sums which may be received by him, on account of the public lands, to the secretary of the treasury for the use of the republic, which bond shall be recorded by the clerk of the county court, and the original transmitted to the office of the secretary of state, and for all public monies which he may receive and pay over, he shall be allowed to charge and receive two per cent.

SEC. 12. Be it further enacted, That every person who shall claim a title to land in this government by virtue of the

colonization laws, or by residence in the country at the declaration of independence, shall be required to take and subscribe the following oath: "I do solemnly swear, that I was a resident citizen of Texas at the date of the declaration of independence, that I did not leave the country during the campaign of the spring of 1836, to avoid a participation in the struggle, that I did not refuse to participate in the war, and that I did not aid or assist the enemy, that I have not previously received a title to my quantum of land, and that I conceive myself justly entitled, under the constitution and laws, to the quantity of land for which I now apply." They shall also be required to prove, by two or more good and creditable witnesses, as the commissioners may require, that they were actually citizens of Texas at the date of the declaration of independence, and have continued so to the present time; and they shall also be required to prove, in like manner, whether they were married or single at the time of the declaration of independence, and what amount of land they were entitled to under the law. Provided, widows and orphans shall not be required to take the oath, herein prescribed; and all persons claiming a grant to land of this government by inheritance or by purchase, shall prove, in the same manner as above stated in this act, widows, orphans, or their legal representatives not excepted, that the person whose estate they claim is entitled to a grant to land of this government, by the laws of the country, or that the person of whom they purchased is actually entitled to said grant to lands of this government; and no purchaser of a head right shall be entitled to receive a grant either as assignee, or in the name of the original claimant, unless proof be also made that the person represented as entitled to the grant, is actually a resident of the republic at the time the application for the grant is made; and all orders of surveys of head rights procured under the colonization laws previous to the declaration of independence, shall be submitted to the examination of the land commissioners and the holders of the same, whether they be original claimants, their heirs, or assignees, shall be subjected to the same formalities and requisitions in procuring said head rights as pointed out for other individuals in this law.

SEC. 13. Be it further enacted, That any person claiming the benefits of any particular colonization law of Coahuila and Texas, during their existence, fixing the prices to be paid for lands by the colonists, shall prove by at least two respectable witnesses, that he, or she, was actually residents of Texas during

the time said law was in force, which proof so made before said board of land commissioners, shall entitle the claimant to have his or her land at the price fixed upon by said colonization law which was in force at the date of said claimant's emigration to this country.

SEC. 14. Be it further enacted, That there shall also be elected for the several counties, a clerk, by joint vote of both houses of congress, who shall keep, in a well bound book to be kept by him for that purpose, a correct account of all the transactions of the board of land commissioners, the name of every person to whom a certificate shall be given, the amount of land granted to each person, the time of their emigration to the country, and the name or names of the witness or witnesses, by whom the claimants severally proved their claims; and the said clerk shall, at the end of every month, forward to the commissioner of the general land office, a correct list of the names to whom certificates have been given, the amount of land granted to each individual, and the date of the claimant's emigration to the country; and the said commissioner of the general land office shall keep a record of all such returns which may be made to his office; and the said clerk shall, before entering upon the duties of his office, give a bond with good security, to be approved of by the board of land commissioners, for the sum of five thousand dollars, payable to the president or his successors in office, conditioned for the faithful performance of the duties of his office as clerk and register, and the safe keeping of the records thereof.

SEC. 15. Be it further enacted, That every certificate which may be issued by the authority of this act, shall be signed by the board of land commissioners, and attested by the clerk, and for every such certificate so issued, the party claimants shall pay the sum of five dollars, one half of which shall go to the clerk, and the other be equally divided between the quorum of the board actually presiding. And it is hereby made the duty of said board, and they are required to meet at the court houses of their respective counties on every other Thursday, then and there to transact the duties required of them by this act, and shall remain in session so long as may be necessary for the transaction of the business before the board, for which services they shall be entitled to demand and receive the fees herein allowed, and no more. Provided, that after the land offices shall have been open three months, the said board shall not be required to meet only on the first Thursday of each month,

and if that day should fall on a regular court week, so as to interfere with it, then they shall meet on the next Thursday thereafter. And further provided, that a majority of said board shall form a quorum to transact the duties herein required of them.

SEC. 16. Be it further enacted, That the decision of a majority of said board of commissioners shall be necessary to entitle any person to a certificate of their claims, but if a majority of said board should decide that any claimant who presents himself, or herself, before them for a certificate of claims, is not entitled to the amount of land which they claim, said claimant may take an appeal from their decision to the next district court for the county in which said claimant may live, citing the board of commissioners to appear as defendants, where it shall be tried; and in all such cases the district attorney shall represent the interest of the republic, for which services he shall be allowed a tax fee of ten dollars on every such case, to be paid by the appellant, together with all other costs of suit, in case he or she fails to obtain a verdict in his or her favor. But if the appellant should obtain a verdict for the amount of land which he or she claims, the costs of suit shall be paid by the republic, when the commissioners shall issue a certificate in accordance with such decision.

SEC. 17. Be it further enacted, That any certificate of claim to land, which has been or may be obtained in the manner and form herein prescribed, shall be sufficient evidence to authorize any lawful surveyor to survey for any person holding such certificates, any lands which he may point out, agreeably to all the laws which do now, or may hereafter exist on that subject. Provided, also, that where more than one application is made for the same tract of land to be surveyed, the settler or occupant shall have the preference if their claims be otherwise equal. Provided, that no location or improvement made since the declaration of independence by persons who have since that time arrived in the country, shall be regarded when they come in conflict with the claims of those who were here at the declaration of independence. But those individuals entitled to the six months preference, shall have the right of locating their lands upon any vacant lands of the republic, without regard to any improvements made by individuals who have arrived in Texas since the declaration of independence. In all other cases, or in case there be more occupants than one, the conflicting claims shall be summarily tried by the nearest justice of the peace and

six disinterested jurors summoned for that purpose, and upon their decision the surveyor shall grant to the successful party the field notes of the tract of land, given in all cases the preference to the oldest occupant and settler. Provided, in all cases, that the claimant shall apply for such certificate in the county in which he, or she may reside at the date of the passage of this act; and provided that persons claiming land by inheritance or assignment shall apply for such certificate in the county where the testator died, or where the assignor lived at the time of making such transfer.

SEC. 18. Be it further enacted, That when two or more persons cannot agree to a division line of any land, which has never been surveyed agreeably to law, it shall be lawful for either party to apply to any justice of the county or territory in which the land lies, or if there be no justice of the peace in the county or territory, then to the nearest justice in any county or territory, and make oath that he has tried and has not been able to settle the dispute between himself and one or more other persons, (naming them,) concerning a division line, and the said justice shall issue a warrant to any lawful officer to summons the party or parties defendant, together with six disinterested jurors, to meet upon the premises in dispute, together with such witnesses as either party may choose to have summoned, to give evidence on a certain day, naming at what time and place. The justice shall also meet the parties, examine all the testimony before the jury, who shall on oath, hear and determine to case in dispute, and shall also determine who shall pay the cost of suit.—Each juror in such case shall be allowed two dollars per day for such services; the other officers, such fees as have been already established by law for other similar services. Provided, that if the land in dispute shall be on a county line, it shall be lawful for a justice of either county in which part of the land may be, to act in such case, and in case either party be dissatisfied with the decision, they shall have the right to appeal to the district court within ten days, upon giving bond security for the costs.

SEC. 19. Be it further enacted, That it shall be the duty of the surveyor in all cases, before he runs a division line between two settlers claiming lands, to notify the party or parties interested, before running the same, in writing. And any survey which may be made contrary to the true intent and meaning of this section of this act, shall not be a lawful one, and the field notes of every survey which shall be returned to any land

office hereafter for the purpose of getting a title for the same, shall be under oath of the surveyor, who shall swear it was executed according to law, and shall also swear the same was made prior to the closing of the land office by the consultation, or subsequent to the opening of the same by this act, and if made prior to the closing of the land office by the consultation, the same shall also be proven by at least two respectable witnesses.

SEC. 20. Be it further enacted, That the commissioner of the general land office is hereby authorized to grant, to all persons holding an order of survey legally obtained previous to the closing of the land offices in one thousand eight hundred and thirty-five, and having a survey which was made agreeably to said order, and in conformity to law in all respects, a patent for the same, upon the holder presenting the certificate of some board of land commissioners, that he is entitled to the quantity of land surveyed, and making such proof to them as is required by law, and upon his paying the several fees as the laws require.

SEC. 21. Be it further enacted, That all lands surveyed for individuals lying on navigable water courses, shall front one half of the square on the water course, and the line running at right angles with the general course of the stream, if circumstances of lines previously surveyed under the laws will permit, and all others not on navigable water courses shall be square if previous lines will permit; and under no circumstances shall any one grant be located in more than two surveys.

SEC. 22. Be it further enacted, That each and every individual under the age of seventeen, who have volunteered in the service of their country, and who have received honorable discharges, shall be entitled to the same quantity of land as a head right, that they would be though they were twenty- one years of age, and upon the same conditions.

SEC. 23. Be it further enacted, That all single men who were in the republic at the date of the declaration of Independence, and entitled under the constitution to one-third of a league of land, and who have since married, or may marry within the next twelve months, shall be entitled to the additional quantity of two-thirds of a league and a labor of land. Provided, that the benefits of this section shall only extend to those who have contributed to the support and defence of their country: and provided, this additional quantity shall not be allowed to any whose wife has received a league of land of this government.

SEC. 24. Be it further enacted, That whereas many persons have received titles under the colonization laws as colonists from the different commissioners of the county, and whereas many conditions were by the law attached to said titles, that all such conditions be, and are hereby cancelled, and the titles to all such lands are hereby ratified and confirmed. Provided, that such persons shall pay, or cause to be paid, to the president of the board of land commissioners of the county where such land may be situated, within six months after the opening of the land office, all money which may be due or owing on the same: provided, that the condition of remaining in the country, and the provision prohibiting the sale to aliens, shall not be repealed by this law. And further provided, that no title by this act shall be confirmed, which was illegal or invalid *ab initio*. And further provided, that this act shall not extend to any grantee or individual for a greater amount of land than one league and one labor.

SEC. 25. Be it further enacted, That no person shall, by virtue of an improvement, have a right to claim more than one league and one labor of land, and that improvement shall consist in the clearing and fencing in a farm like manner, at least four acres; and this privilege shall not extend to any person or persons who have previously received a title to the quantum of land to which they were entitled, nor to any person or persons entitled to a grant of land by purchase.

SEC. 26. Be it further enacted, That it is hereby declared, that all empresarios' contracts having ceased on the day of the declaration of Independence, all the vacant lands of Texas are the property of this republic, and subject alone to the disposition of the government of the same.

SEC. 27. Be it further enacted, That in order to settle the claims of empresarios, each and every one of the same are hereby authorized to institute a suit against the president of the republic of Texas, which suit or suits shall be tried in the county in which is situated the seat of government, and shall be tried as all other land suits are required to be tried. And should any empresario who should thus sue, fail to establish the claim for which he sues, he shall pay all the costs of said suit. Provided, that neither aliens nor the assignees of aliens shall be entitled to the benefits of this act.

SEC. 28. Be it further enacted, That it shall be the duty of the attorney general to attend to all such suits, in behalf of the republic of Texas, and the president is hereby authorized to

employ such additional counsel as in his opinion he may deem proper; the expenses of which shall not exceed one thousand dollars in each case.

SEC. 29. Be it further enacted, That every volunteer who arrived in this republic after the 2nd day of March, 1836, and before the 1st of August, 1836, and has received or may hereafter receive an honorable discharge and has taken the oath prescribed by the constitution, or who may have died, shall receive the quantity of land by this act secured to original colonists.—Provided, that the priority of location mentioned in the thirty-eighth section of this act shall be adhered to; and further provided, that none but the person who served, or his heirs, shall be entitled to the benefit of this provision, and all augmentation shall accrue to the original claimants, and not to the person to whom it may have been transferred; provided, no person who is entitled to the benefit of the first part of this section of this act, shall be entitled to the benefits of the latter part of the same; every person who has arrived in this republic since the declaration of Independence, and previous to the 1st of October, 1837, who is a free white person and the head of a family, and who actually resides within the government with his family, shall be entitled to a conditioned grant of twelve hundred and eighty acres of land, by paying the fees of office and surveying. The conditions of said grant shall be that both grantee and his or her family shall remain and reside within this republic, and do and perform all the duties required of otherlike citizens, for the term of three years; after which time, he or she shall receive an unconditional deed for said land; and in no case whatever shall a grant of that description be made unless it be satisfactorily proven that all the conditions and provisions of the law have been complied with. And all single free white men who have emigrated to this republic since the declaration of Independence, and previous to the 1st of October, 1837, shall be entitled to six hundred and forty acres of land, and if they married before the 1st day of October, 1837, they shall be entitled to an additional quantity of six hundred and forty acres of land upon the same conditions as above named, and all laws contrary to the meaning and provisions of this section are hereby repealed.

SEC. 30. Be it further enacted, That all officers and soldiers who engaged in the services of Texas previous to the 1st of March, 1837, whose families are now here or may arrive within twelve months from the date of their discharges, shall be entitled to the same quantity of land as they would have been

entitled to, if their families had emigrated with them to the country.

SEC. 31. Be it further enacted, That the board of land commissioners are hereby authorized to grant to persons claiming lands of this government under the 29th section of this act, a certificate of their claims, upon the same proof being made to them as is required of other claimants, stating in said certificate, the amount of land to which the claimant is by law entitled; at what time he or she arrived in this republic.

SEC. 32. Be it further enacted, That the commissioner of the general land office, shall when required by the president of the republic or either house of congress make a plat of any land surveyed under the authority of the government, and give such information respecting the public lands and concerning the business of his office, as shall be legally required.

SEC. 33. Be it further enacted, That the commissioner of the general land office shall be, and he is hereby authorized to appoint a translator, who shall undergo an examination as to his qualifications, and shall understand the Castillian and English languages, and shall before he enters upon the duties of his office, take and subscribe the oath of office herein prescribed, shall give bond with two or more good and sufficient securities in the sum of ten thousand dollars, to be approved of by the secretary of state, and shall be payable to the president or his successors in office, conditioned for the faithful performance of his duties, and said translator shall hold his office for the term of three years and shall be allowed a salary of two thousand dollars per annum payable quarterly.

SEC. 34. Be it further enacted, That it shall be the duty of said translator, to translate into the English language, and record in a book to be kept by him for that purpose, all the laws and public contracts relative to the titles of land which are written in the Castillian language, and also to translate and record in like manner, all original titles which are written in the Castillian language, which may be on file in the office of the commissioner of the general land office.

SEC. 35. Be it further enacted, That should a vacancy occur during the recess of congress, by death, resignation or otherwise, of any member of either of the boards of land commissioners, or of the clerk of either of the boards, or of any county surveyor, it shall be the duty of the board of land commissioners, to notify such vacancy to the commissioner of the general land office, forthwith, and to recommend some person

suitably qualified to fill such vacancy, whereupon it shall be the duty of the commissioner of the general land office to fill said vacancy by an appointment, and report the same to the congress immediately on its next session, which officer shall continue to perform the duties of the office, to which he is appointed, agreeably to the provisions of this act, until his successor is duly qualified.

SEC. 36. Be it further enacted, That so soon as the certified copy of the field notes and plot of any survey shall be made and transmitted to the president of the board of land commissioners for the county where the land or a part of it lies, and the amount of money which is fixed by law as the price of such land, be paid, the president of the board of land commissioners shall endorse a receipt for such payment on the back of said field notes for which he shall give duplicate receipts and transmit the field notes to the commissioner of the general land office, who shall forthwith make out in due form a patent for said land, and record the same in a book to be kept for that purpose, and transmit the original to the president of the board of land commissioners, for the county where the land lies, who shall enter a minute of the said patent on his books and deliver the same to the party who is entitled to it, or some one authorized by him to receive the same, taking a receipt therefor; and the said patentees in all cases shall pay as government fees the prices fixed by the colonization laws of Coahuila and Texas in force at the time they emigrated to this country. And if they emigrated subsequently to the 2nd day of May, 1835, and previous to the declaration of Independence, they shall be required to pay the amount fixed by a law passed by the congress of the state of Coahuila and Texas on the above date.

SEC. 37. Be it further enacted, That the president of the republic be, and he is hereby authorized to contract for the surveying, and cause to be surveyed, at the expense of this government a sufficient quantity of land to satisfy the holders of all land scrip that may have been issued and sold by this government, agreeably to the law in all respects. And the secretary of the treasury is hereby authorized to pay out of any money in the treasury not otherwise appropriated, the expenses which may accrue in completing such surveys: provided, it shall not exceed three dollars for each English lineal mile actually run.

SEC. 38. Be it further enacted, That where two or more locations have heretofore been made on, and titles granted for

the same piece of land, or where the boundaries of different titled surveys conflict with each other, the party who has his title or order of survey of subsequent date, may on proper showing of all the facts, and the certificate of a legal surveyor to the board of land commissioners of the county in which the land lies, have his former title cancelled by said board and a new order issued for his quantum of land or so much thereof as shall be affected by the conflicting lines or boundaries mentioned in this section.

SEC. 39. Be it further enacted, That the several land offices contemplated and established by this act, shall commence and go into operation on the first Thursday in February next.—Provided, however, that the operations of the land office in the county of Red River, shall not extend to any portion of the territory near the supposed boundary line between this and the United States government of the north, and provided, also, that should any person obtain a certificate for land from said board of land commissioners for the county of Red River, who at the date of the passage of this act shall reside east of the boundary line hereafter to be run between Texas and the United States, said certificate shall be void, and their operations shall be confined to the granting and completing of land titles to all those who by the existing and previous laws have acquired a preference in the first location. Of this class are all citizens who were residing in Texas on the day of the declaration of Independence, and those volunteer soldiers who served a tour of duty in the army of Texas previous to that time. For this class of claimants the land office shall be opened and remain six months in operation, granting and completing titles alone to that class of claimants. After which other legal claimants shall be entitled to have their land titles completed as herein provided and directed. And the several boards of land commissioners shall be permitted and allowed to commence receiving applications for lands, and hearing testimony on the first Thursday of January next, and in case the country shall be invaded to an extent inducing the president to call out at least one-third of the militia for its defence, the commissioner of the general land office shall have power to close the land offices by proclamation, until such invasion has terminated, and all laws heretofore enacted on the subject of public lands shall be, and they are hereby repealed.

SEC. 40. Be it further enacted, That each county in the republic shall be considered and constitute a section, and that each county surveyor be required, as soon as practicable, to

make out or procure a map of each county, on which plats of all the deeded lands in the said county shall be made, so as to make a fair showing of the same, for which he shall receive compensation by special appropriation hereafter to be made for that purpose.

SEC. 41. Be it further enacted, That audited claims against the republic of Texas, shall be receivable in payment of public dues on lands: provided, the benefits of this section shall not extend to any one individual for a larger quantity of land than two leagues and two labors; and any one offering to pay for lands in audited paper on the government, shall swear that he has not paid for as much as two leagues and two labors in such paper before, either by himself or his agent, which affidavit shall be filed with the chairman of the board of land commissioners.

SEC. 42. Be it further enacted, That all streams of the average width of thirty feet shall be considered navigable streams within the meaning of this act, so far up as they retain that average width, and that they shall not be crossed by the lines of a survey.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Vetoed by the president, and passed the house of representatives, by a constitutional majority. Dec. 14, 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

Vetoed by the president, and passed the senate by a unanimous vote. Dec. 14, 1837.

S. H. EVERITT,

President pro tem. of the senate.

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## AN ACT

To incorporate the Texas Steam Mill Company.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That E. H. Burritt, Jabez Cornwall, Ezekiel Andrews jr., H. H. Douglass, Nathaniel H. Andrews, Samuel M. Hart, Nelson Hart,

and Edwin Belden, together with their successors and assigns, be and are hereby constituted a body politic and corporate under the name and style of "The Texas Steam Mill Company," with power to sue and be sued, plead and be impleaded, answered and be answered unto, appear and prosecute to final judgment in any court or elsewhere, to have a common seal, and the same to alter at pleasure, to elect in such manner as they shall determine, all necessary officers and to fix their compensations, and define their duties, to ordain and establish bye-laws for the government and regulation of their affairs, and the same to alter and repeal: and to employ all such agents, mechanics and other laborers as they shall think proper.

SEC. 2. Be it further enacted, That the object of the said company shall be to operate by steam power or otherwise in Texas a saw mill, a grist mill, a planeing mill, a lathe and shingle mill, and any machinery necessary in carrying on such other manufacturing or mechanical business as they shall determine to prosecute: also to prepare materials and erect public and private buildings, stores and offices upon contract.

SEC. 3. Be it further enacted, That the capital stock of said company shall be thirty thousand dollars, actually paid in with the privilege of increasing the same to fifty thousand dollars: Provided, however, that no additional stock shall be created during the first year of the company's operations.

SEC. 4. Be it further enacted, That said company under their corporate name shall have power to purchase, take, hold, occupy and enjoy to them and their successors, all such lands, tenements and hereditaments, and all such goods, chattels, and effects of every kind as shall be necessary for the purposes of said company.

SEC. 5. Be it further enacted, That the stock, property, affairs and business of this company, shall be under the care of, and shall be managed by not less than three directors, who shall be chosen annually by the stockholders, at such times and place as shall be provided by the bye-laws of said company, and who shall be stockholders, and shall hold their offices for one year, and until others shall be chosen in their stead.

SEC. 6. Be it further enacted, That the directors of this company shall choose one of their numbers to be president, they shall also choose a secretary and treasurer of said company, and such other officers as the bye-laws of the company shall prescribe. They may call in future subscriptions to the capital stock of said company by instalments, in such proportions and

at such times and places as they may think proper, by giving such notice thereof as the bye-laws of said company shall prescribe, and in case any stockholder shall neglect or refuse payment of any such instalments for the space of sixty days after the same shall become due and payable, and after he, she or they shall have been notified thereof, the stock of such negligent stock holder, shall by the directors be sold at public auction, giving at least thirty days notice thereof in some newspaper, and the proceeds of such sale shall be first applied, in payment of the instalment called for, and the expenses attending it, and the balance shall be refunded to the owner thereof, and such sale shall in all respects entitle the purchaser to all the rights of a stockholder to the extent of the shares so bought.

SEC. 7. Be it further enacted, That a majority of the directors of this company, convened according to their bye-laws shall constitute a quorum for the transaction of business, and a majority of the stockholders present at any legal meeting, and at all meetings of such stockholders, each share shall entitle the holder thereof to one vote.

SEC. 8. Be it further enacted, That the directors of the said company shall have power to fill any vacancy which may happen in their board, by death, resignation or otherwise for the then current year.

SEC. 9. Be it further enacted, That the books containing the accounts of said company shall at all reasonable times be open for the inspection of any of the stockholders, and as often as once in each year a statement of the accounts of said company shall be made by order of the directors.

SEC. 10. Be it further enacted, That the stock of this company shall be deemed and considered personal property, and be transferred only on the books of said company, in such form as the directors of said company shall prescribe, and said company shall at all times have a lien upon all the stock or property of the members of said company invested therein, for all debts due from them to said company.

SEC. 11. Be it further enacted, That this act of incorporation shall be, and continue in force for the term of ten years from and after its passage.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 16, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to an act to appoint a Board of Medical Censors.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That no person shall be eligible to election as medical censor, unless he be a regular graduate of medicine and surgery, and have a diploma from some college or university duly authorized to grant the same: and should any person be elected contrary to the intent and meaning of this act, such election shall be considered null and void.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 16, 1837.

SAM. HOUSTON.

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AN ACT

To Incorporate the town of Mina.

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 Mina be, and they are hereby incorporated and formed into a body politic and corporate, under the name and style of the corporation of the town of Mina, and shall have the same privileges, and be subject to the same regulations and restrictions as are conferred and imposed upon the citizens of San Antonio, by an act passed the present session of congress, entitled an act to incorporate the city of San Antonio.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

## AN ACT

To amend the act, entitled an act to raise a Revenue by impost duties.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, the following articles may be imported into this republic free of duty, to wit: Sugar, Coffee, Tea, Salt, Flour and all kinds of bread stuffs, pickled Pork, Bacon Iron and steel, household furniture, cotton bagging, bale rope, books and stationery, machinery of all kinds, wagons, carts and harness, with necessary farming utensils, and lime and lumber, and implements brought in by emigrants for their own use.

SEC. 2. Be it further enacted, That from and after the passage of this act all dry goods manufactured of cotton, or of which cotton forms a component part, a duty of ten per cent. ad valorem shall be levied and collected: all other goods shall be subject to, and pay the duties laid down in the law passed 12th June, A. D., 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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 AN ACT

To incorporate the Brazoria Insurance Company.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens Robert Mills, Edmund Andrews, David Mills, Jas. F. Perry, Henry Austin, Charles D. Sayre, Samuel Fuller, J. G. McNiel, Samuel B. Brigham, and their present and future associates, successors and assigns, be, and they are hereby incorporated and created a body politic and corporate, by the name and style of "The Brazoria Insurance Company," and by the

same name and style, they and their successors shall be capable of suing and being sued, and maintaining any action to final judgment and execution, and shall be in law capable of purchasing, holding, improving and conveying any estate, real personal or mixed for the use of said corporation, and the said corporation shall have power to ordain, establish and put in execution such bye-laws, ordinances and regulations as shall be necessary for the government thereof, and it shall be lawful for said corporation after the expiration of the charter thereof, to use the corporate name, style and capacity for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate real, personal or mixed, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding three years after the expiration of the said term of incorporation, provided nevertheless that the foregoing section shall not be construed to authorize the said corporation to purchase or hold any real estate that may not be requisite and necessary to the conducting the legitimate business of an insurance company.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, and the same shall be created and paid in such manner and at such times as the president and directors of said corporation shall require, of which requisitions the president and directors shall give at least one months notice in the Telegraph or other public newspaper, if any there be in Texas, and cause the same to be notified to the stockholders, and if any stockholder shall after due notice, neglect or refuse to pay any instalment so required to be paid, he or she shall cease to be a member of said corporation, and the share or shares so forfeited, may be sold by the corporation in such manner as they may think proper.

SEC. 3. Be it further enacted, That for the well ordering of the affairs, of the said corporation there shall be nine directors, who shall be stockholders of the corporation; they shall be elected by the stockholders at their annual meeting to be held on the first Monday of January of each year for that purpose, and the directors at their first meeting shall choose one of their own number as president; provided, nevertheless, that until the first annual election the persons named in the first section of this act, shall have and may exercise all the powers given to the president and directors by this act, and in all elections for directors the vote shall be by ballot, and each stockholder shall have

one vote, for each share he may hold, but no stockholder shall vote at any election unless the share or shares upon which he may claim to vote shall have been standing in his or her name on the books of the said corporation for at least three months previous to such election. In case of absence from any general meeting, any stockholder may be entitled to vote by proxy.

SEC. 4. Be it further enacted, That the directors of said corporation for the time being, three of whom shall form a quorum, shall have power to appoint such officers, clerks, agents and other persons as shall be necessary for the conducting and executing the business of the said corporation, and to allow said persons so appointed such compensation for their services respectively as they shall deem reasonable, and generally to exercise, all other authority and powers for the well ordering and governing the affairs and funds of the said corporation.

SEC. 5. Be it further enacted, That it shall be lawful for the said corporation to employ the funds thereof in establishing and sustaining the business of marine and fire insurance, to insure against loss or damages by sea, fire, enemies, and all other risks of loss or damage to which vessels and merchandize, are liable, vessels, merchandize, treasure and freight; insure vessels in port, buildings, merchandize and all other perishable property on land, against loss or damage by fire, and to charge, collect and receive for the same such premiums of insurance as the president and directors of said corporation may deem just, reasonable and commensurate with the risk. It shall be lawful for said corporation to lend at a rate of interest not exceeding ten per centum per annum, any surplus capital which they at any time possess, which may not be required for the payment of losses ascertained to have occurred, to purchase and sell bills of exchange, to lend money in bottomry and respondentia security at marine interest, and to do all those things which an individual citizen may do in conformity with the law. But it shall not be lawful for said corporation to issue and put in circulation any promissory notes of the character of bank bills, or to exercise banking privileges.

SEC. 6. Be it further enacted, That the shares of the said corporation shall be assignable and transferable according to such rules and regulations as the president and directors thereof shall for that purpose ordain and establish.

SEC. 7. Be it further enacted, That the president and directors of said corporation shall annually or semi-annually divide to the stockholders thereof, so much of the profits of the

business of the said corporation as in their discretion they shall deem safe and proper, and of the amounts so declared to be divided as the profits of the said corporation they shall reserve for the use of the county of Brazoria, to be applied to the improvement of the entrance of the mouth of the river Brazos, one per centum thereon, which shall be paid over to the treasurer of the county of Brazoria.

SEC. 8. Be it further enacted, That the office of the company incorporated by this act, shall be located in the town of Brazoria, and so soon as the president and directors thereof shall establish by evidence to the satisfaction of the justices of the county court for the county of Brazoria, that ten per centum. of the capital of said corporation has been paid by the stockholders to the actuary or secretary thereof, and that the balance or residue of the capital of two hundred thousand dollars has been secured to be paid when called for in conformity with the provisions contained in section second of this act, to the satisfaction of the president and directors thereof, and that the direction of said corporation has been organized in conformity with the provisions of section third of this act, the aforesaid justices shall give to them a certificate thereof, which shall be their warrant to commence business operations under the authority vested by this act.

SEC. 9. Be it further enacted, That in case the increase of navigation and commerce to from, and of the river Brazos shall at any time in opinion of the president and directors of the said corporation require the employment of a greater capital than two hundred thousand dollars, then and in that case, it shall be lawful for the said president and directors, by and with the consent of a majority of the stockholders of the said corporation to increase the capital thereof, in such manner as they may deem expedient, to such amount as they may deem requisite, not exceeding the sum of five thousand dollars, on their paying into the treasury of the county of Brazoria a bonus of five thousand dollars, which bonus of five thousand dollars, shall together with all sums which may accrue from the one per centum on the dividends of profits of said company, appropriated by article seventh of this act, to that object, be expended under the direction of a commissioner or contractor, to be appointed by the president and directors of said corporation, by and with the consent of the justices of the county court for the county of Brazoria, in facilitating the entrance of the mouth of the river Brazos by vessels, and in removing obstructions therefrom.

SEC. 10. Be it further enacted, That the charter granted by this act shall continue in full force and effect for the full term of thirty years, from and after the passage of this act, irrevocable, but for account of misdemeanor, malfeasance or breach of law.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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### AN ACT

To define the boundaries of the county of Liberty.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the territory included in the following limits shall constitute and compose the county of Liberty: Beginning on the Gulf of Mexico at the southwestern corner of the county of Jefferson, thence north along the western boundary line of said county to the Big Sandy creek, (thence down said creek with said county line, to its entrance into the Neches river,) thence up said river to the southeastern corner of the county of Houston, thence south of west along the southern boundary line of said county to the Trinity river, thence across the river in the same direction to a point nine miles distant, thence in a direct line to the head of Cedar Bayou, thence down said Bayou to its entrance into the Gulf of Mexico, thence along said Gulf with all its meanderings, including the Trinity Bay to the place of beginning.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

Supplementary to an act entitled an act to organize the Militia of this Republic.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the militia of this republic constitute one division, to be commanded by a major general, elected by joint vote of both houses of congress. He shall in time of peace have three aids-de-camp, with the rank of major of cavalry, either of whom when on duty shall have the emoluments of the corresponding rank in the regular army.

SEC. 2. Be it further enacted, That the militia of Texas shall be divided into four brigades, each to be commanded by a brigadier general, to be elected in the same manner as the major general; and when a vacancy shall hereafter occur, he shall be elected by the officers of his brigade. All that portion of the country west of the Brazos river shall constitute one brigade; all between the Brazos and Trinity rivers shall constitute one brigade: all between Trinity and Sabine rivers shall constitute one brigade; and all north of the Sabine and of Red river one brigade.

SEC. 3. Be it further enacted, That each brigadier general shall be entitled to one aid-de-camp with the rank of captain of cavalry, whose pay and emoluments shall be that of corresponding rank in the regular army, when he is in actual service.

SEC. 4. Be it further enacted, That all adjutants created under this law, shall have the same pay and emoluments, when in actual service, as officers of corresponding rank in the regular army of the republic, and shall be liable to like penalties of misdemeanors or nonofficerlike conduct.

SEC. 5. Be it further enacted, That the adjutant general shall be elected by joint vote of both houses of congress, shall have the rank and pay of colonel of cavalry, shall keep his office at the seat of government, shall hold his office for two years, and be re-eligible, by appointment of major general, subject to confirmation by congress.

SEC. 6. Be it further enacted, That so soon as the militia shall have been organized in the respective regiments, it shall be the duty of the colonel thereof, by his adjutant, to visit the respective company beats, and cause, by lots, the privates of said beats

to be enrolled in class number one, two and three, which classes shall be liable, in the order in which they stand, to be called into actual service by the president, to serve for any period of time not less than three months, nor longer than six; each class when called into actual service to be commanded respectively by the captain and first and second lieutenants; and no class shall serve twice until all the others shall have been called out.

SEC. 7. Be it further enacted, That it shall be the duty of the captain and his officers, at each county muster, and in the presence of his company, to cause the names of the newly enrolled members thereof to be drawn, by lot, into the respective classes; which drawing and public registering shall be as binding as if done by the adjutant under the provisions of the sixth section of this act.

SEC. 8. Be it further enacted, That all laws or parts of laws, conflicting with the provisions of this supplement, and now in force, are hereby repealed.

Vetoed by the president, and passed the house of representatives, by a constitutional majority. Dec. 18, 1837.

JOSEPH ROWE,

Speaker of the house of representatives.

Vetoed by the president, and passed the senate by a unanimous vote. Dec. 14, 1837.

S. H. EVERITT,

President pro tem. of the senate.

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## AN ACT

### To encourage Steam Navigation.

Whereas, it is conceived that the best interests of the country may be advanced by the encouragement of the navigation of the Gulf of Mexico by steam packets, and as the tonage duties which are now established by law, are calculated to impede the advancement of this desirable object, inasmuch as the emigrant is compelled to pay a very high price for passage, thereby preventing many from visiting the country who would otherwise feel inclined to do so, therefore,

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That each and every steam packet which may arrive from any foreign port at any port in Texas, be and they are hereby exempted from the payment of any tonage duties; Provided, such packet shall be bound at each trip to transport when required government stores or other public property free of any charge therefor, and provided further, that at no one trip shall they be required to transport more than two hundred barrels in bulk, and provided that the benefits of this act shall extend to no steam packet or vessel which shall not be entered upon her first trip to this country as a regular packet between the ports of Texas and some foreign port or ports.

SEC. 2. Be it further enacted, That this act shall continue in force until repealed.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

To amend the several laws regulating the Post Office Department.

SEE. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That section the ninth, of an act "creating a General Post Office, &c.," passed December the twentieth, eighteen hundred and thirty-six, be repealed from and after the passage of this act.

SEC. 2. Be it further enacted, by the authority aforesaid, That the following rates of postage shall be charged on all letters and packets, except such as are herein exempted, conveyed by the mails and posts of Texas, namely: For every letter composing a single sheet of paper, and conveyed any distance not exceeding forty miles, twelve and a half cents; over forty and not exceeding one hundred miles, twenty-five cents; over one hundred miles and not exceeding one hundred and fifty miles, thirty-seven and a half cents; over one hundred and fifty miles, fifty

cents: upon all ship letters, six and a quarter cents shall be charged in addition to the above rates; and for every package composed of four or more pieces of paper or thing, and weighing one ounce, quadruple those rates, and in that proportion for all greater weights: newspapers, carried not over one hundred miles, one cent each; over one hundred miles, two cents: pamphlets, carried not over one hundred miles, per sheet one and a half cents; over one hundred miles, two and a half cents. All letters, newspapers, and pamphlets, going out of Texas, it shall be the duty of the post master to require the postage in advance.

SEC. 3. Be it further enacted, That it shall be lawful for the post master general to impose such fines and forfeitures upon the mail contractors for all failures they make in not regularly and faithfully complying with the terms of their contract, as in his opinion may be just and proper. Provided, that no fine for a failure in delivering any mail shall exceed the pay of one trip.

SEC. 4. Be it further enacted, That it shall be the duty of every ferryman, or keeper of a ferry on any water course, to pass over free of charge the driver or carrier of the mail and any horse or carriage carrying the same.

SEC. 5. Be it further enacted, That the sum of twenty thousand dollars is hereby appropriated for the purpose of facilitating the transportation of the mails, to be paid out of any money not otherwise appropriated.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

Relating to the pay and allowances of the officers and soldiers of the Army.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That from and after the passage of this act, no officer attached to the army shall be entitled to pay or allowance who is not in actual

command, in camp or garrison, under the orders of the secretary of war.

SEC. 2. Be it further enacted, That from and after the passage of this act, no non-commissioned officer or private shall be entitled to any pay or allowance, unless in actual service in camp or garrison.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION,

Requiring the Auditor to settle with Mr. Thomas Brennan.

Resolved by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor be required to audit and settle with Mr. Thomas Brennan, purser of the schooner Independence, the claims of the officers and crew of that vessel.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

To define the boundaries of the county of Red River.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That after the passage of this act Red River county shall be bounded as follows, viz: Beginning at the mouth of the Bois d'Arc, running up that stream to Carter Cliffs, crossing thence south to a

point west of the head of Bid Cypress, east to its head, and down that to Sodo Lake, thence east to the line of the United States, with that line to Red River, up that to the beginning.

SEC. 2. And be it further enacted, That the first courts of said county shall be held at La Grange on the second Monday in January, one thousand eight hundred and thirty-eight, at which time and place the chief justices of said county, shall appoint two commissioners from the upper end, two commissioners from the lower end, and one commissioner from the centre of said county, whose duty it shall be after being duly sworn, to locate the temporary seat of justice for said county, and make report thereof to said chief justice within fifteen days after they shall have been so appointed, and it shall be the duty of said chief justice to hold an election for all the officers of said county in conformity with the laws in such cases made and provided.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

Altering the name of the county and town of Mina.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the name of the county and town of Mina be changed and altered to that of Bastrop, and shall be after the passage of this resolution known and called the county of Bastrop, and town of Bastrop.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Relative to Consulates.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the consular system of the United States of America, be, and is hereby adopted for the government of the consular agents of this republic, so far as its provisions may be suitable to the condition of Texas.

SEC. 2. Be it further resolved, That it shall be the duty of the secretary of state from time to time to furnish said consuls with such instruction as may become necessary, for the proper regulation of the commercial intercourse between this and foreign countries.

SEC. 3. Be it further resolved, That no consul of this republic shall be allowed to charge any fees for passports or certificates of characters or intentions.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

To define the boundaries of the county of Mina.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all the territory included in the following boundary shall compose the county of Mina, to wit: Beginning at the north east corner of the proposed new county of Fayette, thence west with said county line, passing its north west corner to Austin's colony line, thence with the same to the corner of Milam's Colony, thence north to its north west corner, thence east to the Colorado, crossing the same and running the same direction, to the dividing ridge between the Brazos and Colorado rivers, to

the line between Austin's little colony, and Robertson's colony, thence south with said line to the place of beginning: the same shall be, and is hereby declared the boundaries of said county.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of M. A. Beremendi.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That Marcus A. Beremendi, a native of Texas, a minor, of about twenty years of age, be, and he is hereby authorized and empowered with the consent of his guardian to take possession of his patrimonial estate, and his acts in all respects shall be as legal and valid as though he were of lawful age; Provided, that the passage of this resolution shall not operate to make or cause a confirmation of his titles.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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### AN ACT

To provide for the publication of the Laws and Journals of the republic of Texas.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there be and is hereby appropriated the sum of six thousand

dollars of the promissory notes of this government to be expended in procuring the publication of the laws and congressional journals of the republic of Texas.

SEC. 2. Be it further enacted, That the secretary of state be and he is hereby required to contract immediately for the printing in pamphlet form two thousand copies of the acts and five hundred copies of the journals of the first and second congress that have not yet been printed and published for public distribution; and it shall be his duty so soon as the said laws and journals shall be printed to transmit by mail a copy of said laws and journals to each of the chief justices, members of congress, magistrates, clerks, sheriffs, coroners and constables of the several counties of this republic.

SEC. 3. Be it further enacted, That the secretary of state shall require the contractors to give security for the faithful performance of their contracts and that the second auditor, be, and he is hereby required to audit any drafts of the secretary of state for the purposes contemplated by this act; Provided, the whole amount shall not exceed six thousand dollars.

SEC. 4. Be it further enacted, That all other laws authorizing the printing of the acts and journals of congress, be, and the same is hereby repealed.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

Making provisions for persons who have been permanently disabled in the service of Texas.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That Thomas William Ward, James C. Neill, James Belden, John Thoms, Washington Somers, and all others who have been permanently disabled by loss of eye, arm or limb, or such other bodily injury as by certificate of the board of land commissioners,

shews his incapacity for bodily labor, by wounds received in the service of Texas, be, and they are hereby declared to be entitled to one league of land each, as a testimony of the gratitude of this republic.

SEC. 2. And be it further enacted, That the lands hereby granted shall be included within that class of claimants to whom six months preference has been given.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION

For the relief of Dugald Brown.

Resolved by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be, and he is hereby directed to audit the claims of Dugald Brown, for the sum of seven hundred and seventy dollars.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

### AN ACT

Amending the Judiciary Laws of the Republic.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That in all cases of appeal to the supreme court the trial shall be, on the facts as agreed in or certified by the judge of the court below, and if the facts should not be stated in a manner sufficient-

ly full and clear to enable the supreme court to give its judgment, then and in that case the said court shall remand the said cause to the proper court in order that the facts may be fully and clearly established and set forth, and in all cases of appeal, either from the county court to the district courts, or from the district courts to the supreme court, the party appealing shall have the right to file the bonds required with the clerk of the court, to be approved by said clerk at any time within six days after the close of the terms. Provided, notice of the appeal be filed in court during the continuance of the terms.—See sec. 9, sup. ct. act., and sec. 15 dis. ct. act.)

SEC. 2. Be it further enacted, That in addition to the powers given to the district courts by the act establishing the powers and jurisdiction thereof, approved December twenty-second, one thousand eight hundred and thirty-six, the said district courts shall have power to hear and determine all suits or actions arising between husband and wife for divorce or for a separate maintenance, and may decree divorces as well from the bonds of matrimony as from bed and board, or for a separate maintenance.—See 4th dist. ct.)

SEC. 3. Be it further enacted, That a new trial shall be granted in any case known to the laws of this republic for good cause shown; but no more than one new trial shall be granted to either party in the same cause.—(See sec. 19, dict. ct. act.)

SEC. 4. Be it further enacted, That no amendment shall be permitted in any pleading or other proceedings in any cause after issue joined, except upon such conditions as the court shall in its discretion determine.—(See sec. 20, dis. ct. act.)

SEC. 5. Be it further enacted, That at the first session of any district court, and ever afterwards the grand and petit jurors shall be drawn in open court.—(See sec. 31, dist. ct. act.)

SEC. 6. Be it further enacted, That the forty-sixth section of the act establishing the powers and jurisdiction of the district courts be, and the same is hereby repealed.

SEC. 7. Be it further enacted, That nothing contained in the several acts establishing courts of justice, shall be so construed as to take away the right of either party, to an action to propose interrogations, to his adversary, to be answered on oath according to the laws heretofore existing.—(See sec. 41, act established 9th July last.)

SEC. 8. Be it further enacted, That the proviso in the twenty-second section of the act punishing crimes and misdemean-

ors, approved December 21st, 1836, be, and the same is hereby repealed.

SEC. 9. Be it further enacted, That in all criminal trials where the party accused shall not be convicted, or being convicted, shall not be able to pay the costs of prosecution the said costs shall be paid by the republic, and the certificates of the judges to a bill of such costs, shall be a sufficient voucher for the auditor to audit and allow the same; the provisions of this section, shall extend to all such cases as have heretofore occurred.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

To provide for taking Testimony by Interrogatories.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That in all cases either in the district or county courts where a witness resides without the county where such suit may be pending, it shall and may be lawful for either party to file his or her interrogatories for such witness in the clerk's office where the suit may be pending, and serve the opposite, or his or her counsel of record with a true copy of such interrogatories, together with a notice, that application will be made to the clerk of said court for a commission to examine such witness, and it shall and may be lawful for the opposite party, or his or her attorney to file cross interrogatories to such witness.

SEC. 2. Be it further enacted, That at the expiration of five days from the service of such notice, with a copy of said interrogatories it shall be the duty of the clerk to issue a commission directed to two or more persons, directing them to cause the witness to come before them, and the answers to said interrogatories and cross interrogatories shall be plainly and distinctly written, sworn to and subscribed by the witness and also subscribed by the commissioners, who shall envelope the same,

directed to the clerk of the court from whence they issued, and the said commissioners shall seal the said packet and write their names as commissioners across the seals, which said packet may be sent by mail or by private hand; if sent by mail the postmaster shall endorse on the back thereof: Received from A. B., one of the commissioners, and if sent by hand the party delivering them into court, or to the clerk in vacation, shall make affidavit that he received the said packet from one of the commissioners, that the same has been in his possession ever since and has underwent no alteration, which package shall not be opened unless by leave of the court.

SEC. 3. Be it further enacted, That interrogatories thus taken and returned to the court, shall be read in evidence in all civil cases, and shall be as legal as if the witness was personally present and examined in open court, any law to the contrary notwithstanding.

SEC. 4. Be it further enacted, That the provisions of this act shall extend to justices courts, and all other tribunals established by law.

SEC. 5. Be it further enacted, That in all cases it shall be lawful to take the testimony of females in civil cases, in the same manner as herein prescribed, whether they be residents in the county or not.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 18, 1837.

SAM HOUSTON.

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AN ACT

To authorize the Post Master General to establish a Post Route.

Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the post master general of this republic, be and he is hereby authorized and required, as soon as practicable to establish a mail route from Nacogdoches, by way the of Epperson's Ferry, on the Sulphur fork, to the seat of justice in Red River county, Jonesborough,

to the seat of justice in Fannin county, and that the mail carriers along said route be required to perform one trip in two weeks, and that the post master be authorized to establish such post offices on said route, as he may deem necessary and proper.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION,

For the relief of Maria Antonio de La Garza.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor is hereby authorized to audit the claim of Maria Antonio de La Garza, for cattle, as per certificates of Sylvanus Hatch, John J. Linn, and general T. J. Rusk, for sixty head of cattle; at ten dollars per head, six hundred dollars in military scrip.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

### JOINT RESOLUTION

For the relief of James Collinworth.

Resolved, by the senate and house of representatives of the republic of Texas, in Congress assembled, That the treasurer be, and is hereby authorized to pay to James Collinworth three thousand dollars, or so much as may remain due him, of that

amount, being for his services as commissioner to the United States, that being the salary established by a law of the consultation passed at San Felipe on the 8th Dec. A. D. 1835.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of C. C. Dewitt.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor is hereby authorized to audit the claims of Christopher C. Dewitt, for services rendered by him in the fall campaign, as per documents referred to the committee on claims and accounts, being for eighty seven dollars.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

To translate the laws of the republic into the Castilian Language.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That in justice to that numerous portion of our fellow citizens who understand only the Spanish language, and who are consequently wholly ignorant of the most important laws to which their obedience is required,

the secretary of state shall be authorized to contract with some person properly qualified for the translation and compilation of such general and penal enactments as have been made by the former and present congress, that a sufficient number of copies of the same shall be printed and distributed in those counties where the population alluded to may reside, and that in future all general enactments shall as soon as practicable be translated into Castilian, and transmitted to the chief justices and justices of the peace of said counties, who shall give all due publicity to said laws; provided, the expense shall not exceed three hundred dollars annually.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of Widow Kitty McCoy.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor is authorized to audit the claim of widow Kitty McCoy as per vouchers of Byrd Lockhart and colonel William H. Patterson for beef and corn, valued at three hundred and seventy-eight dollars in military scrip.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of colonel John Forbes.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the first auditor is hereby authorized to audit the claim of colonel John Forbes, as per pay certificate of George W. Poe, paymaster, and approved by the honorable secretary of war, for two thousand and sixty eight dollars and fifty-two cents in military scrip.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

Authorizing F. R. Lubbock to procure cisterns for the use of the Capitol.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That F. R. Lubbock is hereby authorized to contract for and cause to be erected at the state house in the town of Houston, a sufficient quantity of cisterns to contain ten thousand gallons of water, and the secretary of the treasury is authorized to pay to said Lubbock in promissory notes of the government an amount necessary for that purpose, provided such amount shall not exceed five hundred dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

For the relief of Francis W. Thornton.

Be it resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the first auditor be, and he is hereby authorized and required to audit the claims of Francis W. Thornton, to the amount of two hundred and three dollars, and give him military scrip for the same.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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 AN ACT

To authorize attachments to be issued in certain cases therein named.

Whereas many Mexicans residing upon our frontier stole and drove off large herds of cattle, and took and carried off other property belonging to citizens of this republic, and whereas those Mexicans have abandoned the country, and removed beyond the Rio Grande, so that persons from whom they have taken property are wholly without remedy:

SEC. 1. Be it therefore enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That in all cases it shall be lawful for any person, from whom property was wrongfully taken, to sue out an attachment upon filing an affidavit, stating to the best of his or her belief the value of such property, and that to the best of his or her belief the same was taken by the person against whom such attachment is prayed, and that the said party resides out of the jurisdiction of the court, so that an action cannot be prosecuted against them; which said attachment may be levied by the sheriff of the proper county, upon the property, both real and personal of the defendant.

SEC. 2. Be it further enacted, That upon the return of such attachment, the court shall proceed to the trial of such cause and judgment and execution as in other cases provided for by law.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

Declaring certain children Legitimate, therein named.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That Elijah Sterling Black Robertson, son of Sterling C. Robertson and Fanny King, and James Macklin Robertson, son of Sterling C. Robertson and Rachael Smith, be, and are hereby declared legitimate children, and capable in law of inheriting their parents' property, in the same manner as if they had been born in lawful wedlock.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For appointing two legal gentlemen to compile a Judicial Code of Laws for the republic of Texas.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That William H. Jack and D. S. Kaufman, be, and they are hereby appoin-

ted compilers of the laws of the republic, whose duty it shall be to compile and report to congress at its next regular session a general systematic code of laws, for the future regulation and administration of justice in this republic, and that said compilers shall receive as a compensation for said services such sum as congress shall hereafter determine and allow upon the completion of the work.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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AN ACT

To authorize the judges of the district courts to hold Special Terms in certain cases therein named.

Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That upon application made to any judge of the district courts, he shall be and he is hereby authorized to hold a special term of the district court for the trial of any criminal, under the same rules and regulations as are provided for by the judiciary laws.

SEC. 2. Be it further enacted, That any district judge of the republic be and he is hereby authorized and required to preside at such trial, upon information being given: provided, that this law shall not extend to any county wherein there may be a jail built by the county for the safe keeping of criminals.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

Directing the auditor to respect the acts of G. W. Poe.

SEC. 1. Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor be and is hereby instructed to acknowledge all the official acts of G. W. Poe, while acting in capacity of paymaster general of the army, as well as of all other properly and legally appointed officers of this republic, except the issuing of land warrants.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of D. F. Weymouth.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor of public accounts, is hereby required to audit the claims of colonel D. F. Weymouth, for three thousand eight hundred and eighty-six thirty-eight one hundredths dollars: provided, that the said Weymouth deposits in the office of the auditor a full statement of his claim against the government, and that he give bond with such security as may be satisfactory to the auditor of public accounts, as he the auditor may require, that the claims herein provided for in this bill, shall not come against the government again.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

## AN ACT

Authorizing persons to dispose of property by Will.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas, in congress assembled, That legitimate descendants alone shall hereafter be considered forced heirs, and all persons having no legitimate descendants, are hereby authorized to dispose by will or otherwise of their estate: any law heretofore existing to the contrary notwithstanding.

SEC. 2. Be it further enacted, That in case any husband or wife shall die intestate, and leaving no heirs, the survivor shall be the heir and shall inherit the estate of the deceased spouse.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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 JOINT RESOLUTION

For the relief of the Family of Erastus Smith.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the sum of five hundred dollars per annum, is hereby appropriated for the purpose of being paid by the president, to the widow and family of Deaf Smith, until the said widow marries, or the courts of the country have confirmed their title to land and town lot heretofore granted by congress to said Erastus Smith, and the president is hereby authorized to draw upon the treasury for the above appropriation.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

AN ACT

To create a Justice of the Peace, and Constable for Galveston Island.

Be it enacted, by the senate and house of representatives of the republic of Texas in Congress assembled, That there shall be one justice of the peace and one constable elected for the Island of Galveston, whose duties shall be such as are prescribed by law for the regulation of all such officers in such cases made and provided.

SEC. 2. Be it further enacted, &c., That the chief justice for the county of Harrisburg be required to proceed and cause an election to be held immediately after the passage of this act, on the Island of Galveston, to elect one justice of the peace and one constable.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of John J. Linn.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the second auditor is hereby authorized to audit the claims of John J. Linn, for fourteen hundred and sixty-six dollars and two cents, upon his filing sufficient vouchers with the second auditor.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 18, 1837.

SAM. HOUSTON.

## AN ACT

Granting lands to those who were in the battle of San Jacinto and other battles.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all persons who were actually engaged in the battle of San Jacinto on the twenty-first day of April, eighteen hundred and thirty-six, and all persons who were wounded on the twentieth of the same month, so as to prevent them from participating in the battle on the twenty-first day of April, eighteen hundred and thirty-six, and all persons who were detailed by special order of the commanding general to guard the baggage at the camp near Harrisburg, be, and they are hereby entitled to six hundred and forty acres of bounty land, on the following conditions, to wit: That each soldier claiming land under the provisions of this act, shall produce a certificate to the secretary of war, signed by the commandant of the company to which said soldier belonged, and countersigned by at least one field officer, accompanied by an affidavit by the person claiming land under the provisions of this act, that his claim is just, true and original, and that he has never presented a claim of a like nature for liquidation.

SEC. 2. And be it further enacted, That the secretary of war be authorized and required to issue a land warrant for six hundred and forty acres of bounty land to all persons presenting a certificate as is required in section first of this act.

SEC. 3. And be it further enacted, That the bounty warrants and also the patents issued thereon shall state on the face thereof for what said warrant or patent was granted.

SEC. 4. And be it further enacted, That the lands granted by this act shall not be subject to sale or alienation, mortgage or execution during the lifetime of the person to whom such warrant or patent shall be granted.

SEC. 5. And be it further enacted, That all commissioned officers coming under the provisions of this act, by producing a certificate signed by at least one superior officer, accompanied by an affidavit as is required in the first section of this act, shall be entitled to the benefits of this law, on the same conditions as is required in the fourth section of this act.

SEC. 6. And be it further enacted, That all persons who

entered Bexar from the morning of the fifth to the tenth of December, one thousand eight hundred and thirty-five, and who actually took part in the reduction of the same, also those who were in the action of the nineteenth of March, one thousand eight hundred and thirty six; under the commands of Colonels Fannin and Ward, also all those who fell at the Alamo under the command of Bowie and Travis, shall be entitled to the same quantum of land as specified in this bill, given to those engaged in the battle of San Jacinto, subject to the same rules, regulations and restrictions, and entitled to all its benefits: Provided, always, that any person who may have participated in both battles, shall only receive as a donation, one tract or parcel of land of six hundred and forty acres and no more.

SEC. 7. And be it further enacted, That the legal representatives of those who fell in the storming of Bexar be entitled to select and perfect titles for their benefit by themselves or agent, to six hundred and forty acres.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of John A. Wharton.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be instructed to pay to John A. Wharton, or his representatives five hundred dollars, in the promissory notes of this government, for services and expenses incurred by him in going to and from Matamoras.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

## AN ACT

To define the boundaries of the county of Jefferson.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That all that territory included in the following limits shall constitute and compose the county of Jefferson, to wit: Beginning on the Gulf of Mexico, from which a line drawn due north, shall strike Wolf Point, thence north to Big Sandy creek, thence down said creek to its entrance into the Neches river, thence due east to the Sabine river, thence down said river to the Gulf of Mexico, thence west along the Gulf of Mexico to the place of beginning.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

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 JOINT RESOLUTION

For the relief of Samuel Williams.

Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That the auditor of public accounts be, and is hereby directed to audit the accounts of Samuel Williams to the amount of five thousand two hundred and forty-eight dollars and twenty-eight cents, that being the amount of his claims, (that the committee to whom was referred his accounts and vouchers,) that it is considered to come under the class of accounts that should now be paid.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

AN ACT

To authorize the Clerks of the several courts to appoint deputies and requiring them to keep their offices at the county seat.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the clerks of the several county and district courts of this republic be authorized to appoint a deputy, to whom they shall administer an oath, faithfully to discharge the duties of their office, and they shall in all cases be responsible for the conduct of their deputies.

SEC. 2. Be it further enacted, That hereafter the clerks of the county and district courts of this republic, be, and they are hereby compelled to keep all papers pertaining to their offices at the county seats of each and every county, and be ready either by deputy or in person to attend to the business of their office from ten o'clock A. M. to four o'clock P. M.

SEC. 3. Be it further enacted, That any clerk or clerks who shall fail within thirty days hereafter to keep their office at the place in the manner as specified in the foregoing section, shall forfeit and pay to the republic twenty dollars for each day they shall so neglect the provisions of said section, to be sued for and recovered before any justice of the peace of the proper county, at the instance of any person interested.

S. H. EVERITT,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

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AN ACT

Supplementary to an act to incorporate the Colorado Navigation Company.

SEC. 1. Be it enacted by the senate and house of representatives of the republic of Texas in congress assembled, That when said chartered company have completed their work as

contemplated by their charter, shall before assessing or receiving tolls, announce the completion of their work to congress and congress shall then immediately proceed to appoint three commissioners to examine the work, and also proceed to ascertain the amount of expense necessarily incurred, and said commissioners shall allow of no account for expenditures unless the necessary vouchers are produced.

SEC. 2. Be it further enacted, That when the commissioners have reported, congress shall determine whether or not it will purchase or annul said charter in accordance with its provisions, by paying the principal expended with ten per cent interest thereon; Provided, said determination not to purchase, or annul on the part of congress shall not preclude them from the right of purchasing at any future time, but if congress shall not agree to purchase or annul as above, then said commissioners shall in conjunction with three of the board of directors of said chartered company proceed to assess the rate of tolls, which said assessment shall take place on the first day of January in like manner as above.

SEC. 3. Be it further enacted, that if the said chartered company shall complete their work during the recess of congress, shall communicate the facts to the president, who shall appoint three commissioners, whose duty it shall be with three directors to fix the rate of tolls until the next session of congress, and if said commissioners and directors cannot agree they shall choose an umpire, whose decision shall be binding.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 27, 1837.

SAM. HOUSTON.

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### AN ACT

Supplementary to an act to raise Public Revenue by direct Taxation.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That from and after the passage of this act, that the clerks of the sev-

eral county courts, shall be, and are hereby authorized and required to issue licenses to all retailers, pedlars, &c., and receive the duties of the government for the same, as is required by this act in accordance with the above recited act.

SEC. 2. Be it further enacted, &c. That the sheriffs of the several counties of this republic, be, and are hereby authorized and required immediately after the first of day of January next, and in each succeeding year to proceed to collect the taxes, and dues to the government, by advertising at the several precincts or places for holding elections at least fifteen days, on which day the sheriff or a qualified deputy shall attend agreeably to this advertisement for the purpose of collecting taxes to be raised by virtue of this act.

SEC. 3. Be it further enacted, That on the failure of any person or persons to attend and punctually pay the amount of taxes that may be due the government, then and in that case, the sheriff shall proceed and take an execution (to be issued by any justice of the peace for said county,) against the goods and property of said delinquent or delinquents, and proceed to sell so much of the same as will satisfy debts and costs.

SEC. 4. Be it further enacted, That it shall be the duty of the several clerks and sheriffs of the several counties to report to the secretary of the treasury on or before the first day of September in each year, and pay over the amount of public monies that may have come into their hands into the treasury of the republic.

SEC. 5. Be it further enacted, That the several clerks and sheriffs of the several counties shall be allowed five per cent. in all monies that may be collected or received by them, and that each and every applicant for license for retailing &c. shall pay to the clerk as his fee the sum of one dollar.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 21, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

For the relief of F. W. Thornton.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor be, and he is hereby authorized and required to pay to Francis W. Thornton, in the promissory notes of this government, the amount of a draft drawn in his favor for the purchase of provisions for the army in 1836, for the sum of one thousand seven hundred and twenty-two dollars and twenty-two cents, upon the said Thornton presenting the aforesaid draft.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION,

For the relief of H. C. Hudson.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be, and he is hereby authorized to audit the claim of H. C. Hudson, for three hundred dollars, for services to the government in arranging the books, papers and acts of the consultation, council and provisional government, in which he was occupied three months and  
 \_\_\_\_\_ days.

JOSEPH ROWE,

Speaker of the house of representatives.

S. H. EVERITT,

President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

AN ACT

For the relief of Stilman S. Curtis.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor of accounts, be, and he is hereby authorized and required to audit the claims of Stilman S. Curtis, for horses and other property lost in the service of Texas, in the winter and spring of 1836; provided the whole amount shall not exceed three hundred and thirty-eight dollars.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

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JOINT RESOLUTION

Providing for the purchase of Provisions and Munitions of War.

Be it resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That twenty-five thousand dollars of the one hundred thousand dollars appropriated in an act passed the ninth of June 1837, for the equipment and support of a corps of rangers, is hereby appropriated for the purpose of purchasing provisions and munitions of war, and the secretary of war is hereby authorized to draw upon the treasury for that amount, for the above specified purpose: and he is hereby instructed to lose no time in purchasing the requisite munitions and provisions.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION,

Respecting county Surveyors.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That whenever it shall so happen that the amount of surveying to be done (in any one county) is not more than can be performed by one surveyor, which fact shall be determined by the board of land commissioners, then and in that case the county surveyor for said county, shall be allowed to perform the duties of a practical surveyor, and perform all the duties as required of the deputy surveyors to be appointed under a provision of an act to establish a general land office.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

Requiring the auditor to audit the claim of Thomas G. McGee.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the first auditor be, and he is hereby required to audit the accounts of Thomas G. McGee, for a stud horse, and allow him therefor such sum as he shall show by the affidavit of two or more disinterested persons, the said horse was worth at the time he was pressed into service; provided, the amount does not exceed two hundred dollars.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

JOINT RESOLUTION

For the relief of A. R. Bodman.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the auditor be required to audit the account of A. R. Bodman for services rendered as clerk to the executive and in the state department of the government ad interim, allowing him such pay as is allowed to other clerks for similar services.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 28, 1837.

SAM. HOUSTON.

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AN ACT

To incorporate the City of Houston and other towns therein named.

Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That the citizens of the City of Houston, and the towns of Washington, Crockett and Refugio, be incorporated under, and entitled to all the privileges and benefits of the act granting a charter of incorporation to the town of Brazoria, passed at the extra session of this congress.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

## JOINT RESOLUTION,

Incorporating the town of Columbia.

Resolved, by the senate and house of representatives of the republic of Texas, in congress assembled, That the town of Columbia is hereby incorporated with all the powers and privileges which have been extended to Brazoria, in the act by which said town has been incorporated, and that the limits of said town shall embrace what was generally known as the town of Marion.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

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 AN ACT

To create the county of Fort Bend.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That there shall be laid off on the Brazos river, a new county to be called the county of Fort Bend, which shall include all the territory within the following limits viz: Beginning on the east side of the Brazos river at the upper corner of a league of land granted to Francis Biggam, on which said Biggam now lives; thence east with the north boundary of said league to its north east corner, continuing on the Harrisburg and Brazoria county line; three leagues from thence to the head of Bray's Bayou, where stands a low elm; thence running from the head of Bray's Bayou to a point on Buffalo bayou where the present county line, running from Jesse H. Cartwright's league, crosses the bayou; thence northwardly to the southeast corner of Ful-shear's league of land on the Brazos river; thence west with the south boundary of said league to said river; thence crossing said

river, and following its western bank to the mouth of sixteen mile creek; thence up said creek to its source; thence in a southwardly direction to the southeast corner of G. Coles land; thence westwardly with said Coles lower line, to the San Bernard; thence down said stream to the southwest corner of league No. 8; thence with the lower line of said league to the southeast corner; thence in a direct line to the south prong of Cow bayou; thence down said bayou to its mouth; thence crossing the Brazos, and up said river to the place of beginning.

SEC. 2. Be it further enacted, That the said county shall be organized in conformity with an "act organizing the inferior courts, and defining the jurisdiction of the same," and the county courts of said county shall be held on the second Monday in January, April, July and October, in each year.

SEC. 3. Be it further enacted, That the said county shall be included in, and shall form a part of the third judicial district, and the district court of said county shall be holden on the last Mondays in February and August of each year.

SEC. 4. Be it further enacted, That it shall be the duty of the chief justice so soon as he shall receive a notice of his appointment, to proceed to give notice, and hold an election in the town of Richmond, for the permanent location of the seat of justice of said county, and he shall make a return of the result of said election to the secretary of state.

SEC. 5. Be it further enacted, That said county shall be entitled to one representative in congress, and the county of Fort Bend and Austin shall form one senatorial district, and be entitled to one senator.

SEC. 6. Be it further enacted, That all suits which are now existing by or against any of the citizens of the county of Fort Bend, shall be continued and concluded in the county in which they originated, in the same manner as if no division of the counties had been made.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

## AN ACT

To regulate the proceedings of the several Courts in certain cases.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas, in congress assembled, That where judgments have been heretofore obtained before any alcalde or primary judge, and returned as required by law to any of the courts of this republic, it shall be the duty of said court on the application of the plaintiff to issue a scieri facias or other notice, summoning the defendant to appear and show cause why execution should not be issued, but no evecution shall be issued upon any such judgment, until a scieri facias or other notice shall have been issued and served in the usual way, upon the defendant or defendants.

SEC. 2. Be it further enacted, That all suits brought in any of the district or county courts of this republic, either by original process or otherwise, shall be tried at the first term, unless good causes be shown for continuance.

JOSEPH ROWE,  
Speaker of the house of representatives.  
MIRABEAU B. LAMAR,  
President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

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 JOINT RESOLUTION,

Supplementary to a resolution for the relief of Samuel Williams.

Resolved, by the senate and house of representatives of the republic Texas, in congress assembled, That the amount authorized by a joint resolution, to be paid to Samuel Williams, be paid in the promissory notes; of this government, as intended, though not clearly expressed in the resolution alluded to.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

AN ACT

Defining the boundaries of the county of Jackson.

SEC. 1. Be it enacted, by the senate and house of representatives of the republic of Texas in congress assembled, That from and immediately after the passage of this act, the following shall be the lines of the county of Jackson, to wit: Commencing on the Bay, at a place called the divide between the Trespalacios and Carrancahua creeks, running thence north twenty-nine degrees to a corner, thence north twelve degrees east to the line of Colorado, county; thence south eighty-two degrees west, to the mouth of Smither's creek, on the Lavacca, thence down the Lavacca, (to the lower corner of Kent's league of land; thence six miles with the line of Gonzales county, from thence a direct line to the Bay at the mouth of the ———) thence with the middle of the Bay to a point opposite the beginning.

SEC. 2. Be it further enacted, That the territory included within the aforesaid lines shall be, and the same is hereby declared to be the county of Jackson.

SEC. 3. And be it further enacted, That there shall be an election held at the houses of John McHenry and Philip Demit's on the first Monday of January next, to be presided by such persons as the voters may appoint at which election, the question shall be upon the annexation of a part of Victoria county to the county of Jackson, and the votes shall be confined to that portion of the county six miles west of the Lavacca river, and should a majority of the voters be in favor of being attached to Jackson county, it shall be so done, if a majority be in favor of remaining in Victoria, the line shall remain as it now is.

JOSEPH ROWE,  
Speaker of the house of representatives.  
S. H. EVERITT,  
President pro tem. of the senate.

Approved, Dec. 29; 1837.

SAM. HOUSTON.

## JOINT RESOLUTION

To incorporate certain towns therein named.

Resolved, by the senate and house of representatives of the republic of Texas in congress assembled, That the citizens of the towns of Clarksville in the county of Red River, and the citizens of the town of Lexington in the county of Fannin, and the towns of Milam, Houston, Goliad, San Patricio and Jonesborough, be, and they are hereby incorporated, and shall respectively have and enjoy all the privileges which have been granted to the town of Brazoria.

JOSEPH ROWE,

Speaker of the house of representatives.

MIRABEAU B. LAMAR,

President of the senate.

Approved, Dec. 29, 1837.

SAM. HOUSTON.

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L A W S

OF THE

REPUBLIC OF TEXAS

VOLUME THIRD.

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BY ORDER OF THE SECRETARY OF STATE.

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HOUSTON.  
1838



LAWS  
OF THE  
REPUBLIC OF TEXAS.

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AN ACT

Securing the right of Appeal.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in the suits authorized to be commenced by Empresarios, under the 27th section of the Land Law, against the President of the Republic, the defendant shall have the right to appeal without giving the bond and security required of appellants.

SEC. 2. Be it further enacted, That in all cases where the Republic is concerned as a party, either in her own name, or the name of her officers, an appeal may be taken in her behalf without bond or security.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.  
SAM. HOUSTON.

Approved, May 3, 1838.

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AN ACT

To repeal a part of an Act incorporating the town of Gonzales.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,— That so much of an act incorporating the city of San Antonio and other towns therein named, passed at the last session of Congress, as relates to the town of Gonzales, which requires the clerk to possess a competent know-

ledge of the Castilian Language, and requiring the members to consist of eight Aldermen is hereby repealed;—and the members of the Corporation of Gonzales shall consist of four Aldermen in lieu of eight.

SEC. 2. Be it further enacted, That the Chief Justice of the county of Gonzales, immediately after the passage of the act, shall be authorised and required to issue writs of an election to fill the offices of the above recited act for the fraction of the present year.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 3, 1838.

SAM. HOUSTON.

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AN ACT

Supplementary to an Act creating the County of Fayette.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this Act, the south western boundary of the county of Fayette shall be, and is hereby established as follows, viz: beginning at the north east corner of a league of land granted to J. Morris on the head of the La Bacca river; thence, northwestwardly to the north east corner of a quarter of a league of land granted to Stiffler: provided, that nothing herein contained shall affect any rights of location made in conformity to the acts defining the boundaries of Gonzales and Fayette.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 3, 1838.

SAM. HOUSTON.

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AN ACT

Providing for the removal of County Seats of Justice.

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

majority of two-thirds of the votes of the qualified voters of a county shall be required to remove the seat of justice in any of the counties of this Republic that now are or hereafter may be established; provided, however, that if in any county the seat of justice should be established at a greater distance than five miles from the centre of said county; a majority of all the votes shall be sufficient for its removal, provided such removal shall be within the limits of five miles from the centre of said county.

SEC. 2. Be it further enacted, That when, in the opinion of the chief Justice of any county, the necessary number of inhabitants apply by petition or otherwise for a removal of the seat of justice, it shall be the duty of said chief justice to order an election for that purpose giving due notice thereof, which election shall be held at the same places, and conducted in the same manner as elections for members of Congress, and the result of said election shall establish the seat of justice, in accordance with the provisions of the first section of this act.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 9, 1838.

SAM. HOUSTON.

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A BILL

To repeal a certain Act therein named.  
(An Act to prohibit the bonding of duties.)

Whereas, the fifth section of an act, entitled an act to raise a public Revenue by Impost Duties, authorizes the importer, factor or consignee, to give bond for the payment of the duties on their importations, in instalments according to the amount of duties; which act was approved on the twelfth day of June, 1837.

SEC. 1. Be it therefore enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the first day of June next, so much of the aforesaid act as relates to the bonding of duties as aforesaid, shall be, and the same is hereby repealed.

SEC. 2. Be it further enacted, That it shall be the duty of the Collectors of the different Ports in this Republic,

where any articles subject to duty may be imported, to hold the same in his custody until the duties are paid, according to the true intent and meaning of this act.

SEC. 3. Be it further enacted, That the Secretary of the Treasury be, and he is hereby required to give publicity to this act as soon as practicable, and that the different Collectors of this Republic be informed through the proper channel, of the existence of this law as soon as practicable; and in case of neglect to pay the duties by the importer, within ten days, the Collector shall proceed to sell the goods at auction, or a sufficient amount thereof to pay the duties, after giving ten days' notice of such sale, and shall sell accordingly, unless payment be made.

SEC. 4. Be it further enacted, That it shall not be lawful for any Collector of the Customs to receive, either directly or indirectly, in payment of duties, any monies except the Promissory Notes of the Government, or gold and silver; and any person offending against the provisions of this act shall be dismissed from office, and upon conviction fined in a sum not less than one thousand nor more than five thousand dollars for each offence.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 9, 1838.

SAM. HOUSTON.

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#### JOINT RESOLUTION,

Authorising the President and Commissioner of the General Land Office to issue titles to purchasers of Lots on Galveston Island.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic and the Commissioner of the General Land Office are hereby authorized and required to issue titles to purchasers of lots on Galveston Island; provided that the said purchasers shall deliver to the Commissioner a certificate of purchase, with a receipt

for the payment of the purchase money in full, from the Secretary of the Treasury.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 9, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of John F. Kemper.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor of Public Accounts be authorized and required to audit the account of John F. Kemper, as armourer for the term of eight months and twenty-four days, agreeably to law in such cases made and provided.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 10, 1838.

SAM. HOUSTON.

---

A BILL

To create and define the Senatorial District of Austin, Colorado and Fort Bend.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the counties of Austin, Colorado and Fort Bend shall be, and constitute a senatorial district.

SEC. 2. Be it further enacted, That the Chief Justice of the county of Austin shall be the returning officer of said senatorial district.

SEC. 3. Be it further enacted, That all laws or parts of laws conflicting with this act be, and the same are hereby repealed.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 10, 1838.

SAM. HOUSTON.

## AN ACT

Repealing the 37th section of an act organizing Inferior Courts.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That so much of the thirty-seventh section of an act entitled an act organizing the Inferior courts, and defining the powers and jurisdiction of the same, as requires recording before the first of April, eighteen hundred and thirty-eight, approved twentieth December, eighteen hundred and thirty-six, be, and the same is hereby repealed.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 10, 1838.

SAM. HOUSTON.

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 AN ACT

To incorporate the Caney Navigation Company.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,—That there shall be established a company under the name and style of the “Caney Navigation Company,” with a capital stock of fifty thousand dollars, to be divided into shares of one hundred dollars each, for the purpose of clearing out a channel and making navigable for steamboats, or other craft, the creek or river Caney, and for connecting the said creek or river by canals or other means of intercommunication with the head of Matagorda Bay, Cedar Lake, and with the Colorado river, and for deepening the channel at the mouth of said creek or river.

SEC. 2. And be it further enacted, That books shall be opened on the first Monday of July next to receive subscriptions to the capital stock of said company at the following places, to wit: at the towns of Matagorda and Manhattan, and at the house of R. H. Williams, on Caney, under the superintendence of three commissioners at each place, viz: at the town of Matagorda, Silas Dinsmore, John Duncan, and S. Mussina; at the town of Manhattan, J. E. Fields, E. R. Weightman, and

Thomas Cayce; and at the house of R. H. Williams, T. Jamison, R. H. Williams, and Wm. H. Jack.

SEC. 3. And be it further enacted, That the subscribers to said company, their successors and assigns, shall be, and are hereby created a corporation under the name and style of the "Caney Navigation Company," with similar powers and privileges, and subject to similar rules and regulations as are given and prescribed to the Colorado Navigation Company, by an act entitled "an act to incorporate the Colorado Navigation Company," approved December fourteenth, eighteen hundred and thirty-seven: provided, that the town of Manhattan, at the mouth of Caney shall be substituted in this act for the town of Matagorda in the act above referred to, in all instances where it occurs in said act, except in the one referred to in the second section of this act.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 11, 1838.

SAM. HOUSTON.

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RESOLUTION,

For repairing the President's House, and purchasing Furniture.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of three thousand dollars of the Promissory Notes of this Government be, and the same is hereby appropriated to complete and repairs and purchase furniture for the President's House; and that the said sum be expended under the direction of his Excellency.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 11, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

Supplementary to a joint resolution, for the relief of John J. Linn, approved December 18th, 1837.

Resolved by the Senate and House of Representatives of the

Republic of Texas in Congress assembled, That the amount authorized to be paid to John J. Linn, by a joint resolution, approved December the eighteenth eighteen hundred and thirty-seven, be paid to him in Promissory Notes of this Government.

JOSEPH ROWE,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

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AN ACT

Authorizing the President to appoint Notaries Public.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be appointed for the county where the Seat of Government is or shall be located two Notaries Public in addition to the Chief Justice of said county; and also, one additional Notary in each county of the Republic; which appointments shall be made by the President, by and with the advice and consent of the Senate.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

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AN ACT

To authorise the President to raise a Corps of Cavalry.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,—That the President be, and he is hereby authorized and required to raise a Corps of Regular Cavalry, not exceeding two hundred and eighty, rank and file, to be enlisted for a term of not less than one, nor more than three years, as he may deem suitable, for the purpose of protecting the Southwestern Frontier.

SEC. 2. Be it further enacted. That said Corps shall, at no time, be quartered within fifteen miles of any town.

SEC. 3. Be it further enacted, That for the purpose of

enabling the President to carry this act into effect, the sum of fifty thousand dollars of the promissory Notes of the Government be, and the same is hereby appropriated, to be paid out of the first monies that may be paid into the Treasury.

JOSEPH ROWE,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

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AN ACT

To provide for the foreclosing of Mortgages on Real and Personal Estates.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, the method of foreclosing mortgages on land shall be as follows: any person entitled to foreclose a mortgage on land, or his or their attorney shall petition the district court of the county where such land or a part thereof is situated, stating the case, and the amount of his or her demand, describing the property mortgaged, and the court shall grant a rule, that the principal, interest and costs, shall be paid into the court on or before the first day of the next succeeding term of such court, which rule shall be served upon the defendant at least ninety days before the time of payment, if the party defendant be a resident of the Republic; if not, it shall be published at least one month in some public Gazette, unless the principal, interests, and costs be paid, the court shall proceed to give judgment for the amount which may be due on such mortgage, and order the property mortgaged to be sold to the highest and best bidder, after the same shall have been advertised thirty days in some public Gazette, and the money paid over to the mortgagee or his attorney; but when there shall be any surplus, the same shall be paid over to the mortgager or his agent, and in case of any dispute as to the amount due on any mortgage, if the mortgager shall appear at any time within the time prescribed in this act, before judgment shall be given, and

make affidavit of such facts, the court shall order a trial of the facts before a jury as in other cases.

SEC. 2. And be it further enacted, That all mortgages on negroes and other personal property shall be foreclosed in the following manner: Any person or persons holding a mortgage on personal property, and wishing to foreclose the same, shall make application to the chief justice of the county, and make affidavit before him of the amount of principal and interest due thereon, which affidavit shall be annexed to such mortgage, and thereupon, the clerk of the county court shall issue execution as in cases of judgment, which execution being delivered to the sheriff shall be levied upon the mortgaged property, and after being advertised for at least sixty days in some public Gazette, shall be set up and sold to the highest bidder; provided always, that if any disputes should arise as to the amount due on such mortgage, the chief justice of the county court shall order the sale to be postponed upon the defendant's entering into bond and security in double the amount of the mortgage, for the delivery to the sheriff of the property so levied upon; and the same shall be returned to, and triable at the next term of the court, as in other cases.

SEC. 3. And be it further enacted, That all mortgages upon real estate shall, upon the usual proof, be recorded in the county where the land is situated, within ninety days from the passage of this act, or from the date of the execution of such mortgage; and upon personal property in the county where the mortgager lives. No mortgage shall take lien upon property mortgaged unless so recorded.

JOSEPH ROWE,

Speaker of the House of Representatives.

S. H. EVERITT,

President pro tem. of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

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## AN ACT

Establishing the county of Galveston.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a new county to be called the county of Galveston be, and the same is hereby established within the fol-

lowing limits, viz: Embracing the entire Island of Galveston, and the waters and Islands of the Bay adjacent thereto, including Deer Islands and that of San Luis, together with parts of the main land of Brazoria and Liberty Counties nearest the Bay aforesaid; beginning at the mouth of Highland Bayou, and running up the same to its source; thence due north to the present line between the counties of Harrisburg and Brazoria; thence east with said line to the mouth of Clear Creek; thence with the Bay of Galveston to Davis's Point, (or Red Fish Bar); thence with Red Fish Bar across the bay to Potter's Point; thence along the margin of East Bay, including the same to the western boundary of Zavala's Colony; thence due south to the Gulf of Mexico; thence with the coast of the Gulf to the beginning.

SEC. 2. Be it further enacted, That the seat of justice for the said county of Galveston shall be fixed at the city of Galveston until otherwise directed according to law.

SEC. 3. Be it further enacted, That the chief justice for said county shall at some early day, order an election to be held at the city of Galveston for choosing the several officers required in organizing a new county.

SEC. 4. Be it further enacted, That the said county of Galveston shall be attached to and form part of the senatorial district of Harrisburg and Liberty, and to the second judicial district. The District Courts for said county shall be held on the last Mondays in April and October of each year, and the County Courts of said county shall be held on the third Mondays in January, April, July and October of each year.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 15, 1838.

SAM. HOUSTON.

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AN ACT

Authorizing the payment of the Interest of the Funded Debt.

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

That the Secretary of the Treasury be, and he is hereby required to pay the interest accruing on the Funded Debt, at the time it is made payable by law, and a sufficient amount of the Promissory Notes of the Government to meet the object, is hereby appropriated for that special purpose.

SEC. 2. Be it further enacted, That the Secretary of the Treasury be, and he is hereby required to pay the interest on all other debts against the Government, which by law bear interest; and that the same be paid semi-annually in the promissory notes of the Government, a sufficient amount of which is hereby specially appropriated for that purpose.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 16, 1838.

SAM. HOUSTON.

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AN ACT

To authorize the President to negotiate a loan on the bonds of the Government, not exceeding five millions of dollars.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the President of the Republic, for the purpose of effecting a loan, be, and he is hereby authorized to issue bonds in the name of the Republic for such sums as may suit the purchasers thereof, to an amount not exceeding in the whole, five millions of dollars; which bonds the President may authorize the commissioners of the loan hereafter to be created, to sign and deliver, in any language required, after being duly countersigned by the minister or other diplomatic agent of Texas, resident at Washington, London or Paris, the same to be made payable to bearer, bearing an interest on the face thereof at a rate not exceeding ten per cent. per annum, and to be paid to the holders thereof, at such time and place, and in such currency as may be agreed on, and stipulated therein, to be made redeemable in thirty years from the day

of date, unless the commissioners shall think it proper and necessary; and for that object they shall have the power to negotiate two millions of the said amount of five millions, redeemable in a less time than thirty years, but not for a shorter period than five years. And the said commissioners shall have power to agree and stipulate in said bonds that the holder or holders thereof may, at any time they may choose, surrender the same, and in lieu of principal and interest due thereon, receive any of the public lands at the minimum prices fixed by the Government at the time for the sale of their vacant lands; or if said lands are sold at auction, any of the said holders shall be allowed to bid and pay the amount of their bids, with any of said bonds in like manner as they are permitted to do at the fixed prices as above mentioned.

SEC. 2. Be it further enacted, That the said commissioners shall have power to negotiate and sell such bonds for the notes of any bank or banks whose paper shall be at par with the best bank paper in the city of New York or Philadelphia; and the said commissioners shall have power to stipulate that the notes of any such bank or banks purchasing such bonds to the amount of one hundred thousand dollars or more, shall be received in payment of all public dues, so long as said bank or banks shall, in the judgment of the Government of Texas, be of good character and worthy of confidence.

SEC. 3. Be it further enacted, That the President shall, by and with the advice and consent of the Senate, appoint two commissioners, who shall have power either within the United States or Europe to carry out the purposes and fulfil the objects of this act in the manner specified therein, and shall be subject from time to time to such instructions as the President may communicate to them through the Secretary of the Treasury.

SEC. 4. Be it further enacted, That in case of the death or resignation of either or both of said commissioners during the recess of Congress, the President is hereby fully authorized to fill such vacancy or vacancies, until the meeting of the next Congress.

SEC. 5. Be it further enacted, That it shall be the duty of said commissioners to contract with the Bank of the

United States of Pennsylvania (if practicable,) if not, with the Manhattan Bank of New York, or the Union Bank of Louisiana, to act for the Government of this Republic as fiscal agents in the United States in all matters relative to the loan authorized by this act, for all operations within the state in which such bank may be located, and by its agents in other states of the United States of America—also in Europe; and when the said commissioners shall contract any loan or sale of any bonds authorized by this act, it shall be their duty to deposite in the said bank, or with its agency, nearest the place with the knowledge and approbation of said bank by its President and Directory, the amount of bonds corresponding with the amount of loan contracted for, or bonds sold, which bonds shall be issued by such bank or its agencies to the contractors or purchasers on the payment into the bank or its agencies, to the credit of this Republic, the amount of money contracted to be loaned, or paid therefor, on which payment to the credit of this republic, the bank, or its cashier, or the agency thereof, shall issue to the interested party or parties the bonds or scrip for instalments thereon to the amount so paid in conformity with the contract and not otherwise; and all such money shall be held by such bank subject to the draft of the President of this Republic, countersigned by the Secretary of the Treasury; and the said bank or its agencies shall notify the Secretary forthwith of all deposites made to the credit of this Government, and the said commissioners shall correspond with the Secretary of the Treasury, and inform him of all transactions done by authority of this act.

SEC. 6. Be it further enacted, That it shall be the duty of the Secretary of the Treasury to lay before each and every congress, early in every session, a full statement of all the sales of bonds that may have been effected, showing the terms and conditions of the same, the expenses accruing thereon, and what dispositions have been made of the proceeds of the same.

SEC. 7. Be it further enacted, That for the punctual payment of the interest, and final redemption of said bonds, the public faith is hereby solemnly pledged.

SEC. 8. Be it further enacted, That all acts and parts of

acts coming within the purview of this act shall be, and the same are hereby repealed.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, May 16, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

Appropriating Five Hundred Dollars for purchasing a set of  
Astronomical Instruments.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the sum of five hundred dollars be, and the same is hereby appropriated out of the Promissory Notes of the Government of Texas, to be expended under the direction of the Secretary of State, for the purpose of purchasing a set of Astronomical Instruments for the use of the Republic.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 17, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

Relative to the Claims of Officers and Soldiers of the Army.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby authorized and required to audit the claims of officers and soldiers, according to the rates heretofore allowed by him.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

## AN ACT

Providing for the location of Land Scrip issued by an Act of Congress, dated the 6th day of December, 1836, and for redeeming the same.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,—That from and after the first Thursday of August next, all deputy surveyors be, and they are hereby authorized and directed, upon the application of any holder or holders of Land Scrip under the before recited act, to survey at the expense of this Government, a sufficient quantity of the vacant land of the public domain within their respective sections, when said vacant lands shall be pointed out to them, to satisfy such legal claims of all holders of Land Scrip sold by this Government agreeably to law in all respects.

SEC. 2. Be it further enacted, That it shall be the duty of such deputy surveyors to make returns of all such surveys to the county surveyor of his respective county.

SEC. 3. Be it further enacted, That the Secretary of the Treasury be, and he is hereby authorized and required to pay, after the same shall be audited, the drafts of the respective county surveyors for such work of his deputies, at the rate of three dollars per lineal English mile actually run, as well as three dollars for examination and returning said surveys by the county surveyor.

SEC. 4. Be it further enacted, That hereafter it shall and may be lawful for the bona fide holder of any land scrip, to present the same to the Commissioner for funding the public debt, which said Commissioner shall fund the same at the rate of fifty cents per acre and grant certificates of stock therefor.

SEC. 5. And be it further enacted, That the thirty-seventh section of the present Land Law be, and the same is hereby repealed.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

AN ACT

For the relief of persons therein named.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the First Auditor be, and he is hereby authorized and required to audit the accounts of John H. Miller, for eighty dollars;—of Daniel Tyler for sixty-three dollars;—of O. B. Hardeman for two hundred dollars;—of Wm. Lancy for thirty dollars per month for the time he served as cook to the hospital, according to the vouchers.

SEC. 2. Be it further enacted, That the Auditor be, and he is hereby authorized and required to audit the claim of George C. Childress for the sum of one thousand dollars, with interest from the twenieth of March, eighteen hundred and thirty-six, at eight per cent. per annum.

SEC. 3. Be it further enacted, That the said Auditor be, and he is hereby authorized and required to audit the claim of one hundred and fifty dollars in favor of M. A. Bingham, a draft drawn in favor of Isom Parmer, on the sixth of March, eighteen hundred and thirty-six; also, of S. Booker, for two hundred dollars, for a gray mare, valued at that price, lost in the service.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

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AN ACT

To provide for settlement of deceased soldiers' estates.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,— That all persons who have, or may hereafter administer upon the estate of deceased soldiers or officers shall, before the auditor is allowed to audit the claims, or the Secretary of War, or board of Land Commissioners, of any county, be authorized to grant bounty warrants, or land certificates, enter into bond with approved security as the court may direct, for the faithful performance of the duties of such administration; a copy of which bond

and all the proceedings in such cause duly certified under the hand and seal of the chief justice of such county, shall be returned to the Secretary of War.

SEC. 2. Be it further enacted, That hereafter no letters of administration shall be granted, nor any further action be had under those that have already been granted, until publication of such application for letters, or the existence of such letters of administration shall have been made at least sixty days in one of the public Gazettes, published at the Seat of Government.

SEC. 3. Be it further enacted, That no sale of any of the effects of any deceased soldier or officer shall be made, unless by order of the court granting letters of administration, approved by the Secretary of War, and published in some newspaper sixty days, and all sales made contrary to the provisions of this section, (unless by heirs of full age) shall be entirely null and void.

SEC. 4. Be it further enacted, That it shall be the duty of all administrators on the estate of deceased soldiers, to return to the court granting letters, within ninety days, an inventory of all the effects of such deceased soldier, and annually at the probate court in January in each year, to make return of all his proceedings, unless by special leave of the Court, longer time be granted; a copy of which said inventory and returns shall be immediately transmitted to the Secretary of War.

SEC. 5. Be it further enacted, That it shall be the duty of the Secretary of War once in every three months, to publish in some public Gazette, the names of all administrators, (and on whose estate) that may be returned to him.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

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AN ACT

Supplementary to "an Act to raise a Public Revenue by Impost Duties."

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

That the powers and duties of the Collectors of the revenue by impost duties, and other officers concerned in the collection of the same, and the liabilities of the masters and owners of vessels with their cargoes, and the shippers or consignees thereof, are hereby declared to be the same as established by law in the United States of America, and practised in the collection of their impost duties on the 12th day of June, A. D. 1837.

SEC. 2. Be it further enacted, That the same penalties, disabilities and forfeitures, and the like remedies for infractions of the revenue laws of this Republic shall obtain and be issued, as were established and in use in the said United States on the twelfth day of June, A. D. 1837.

JOSEPH ROWE,  
Speaker of the House of Representatives.

S. H. EVERITT,  
President pro tem. of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

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## RESOLUTION

For the benefit of Sidney Sherman.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That Sidney Sherman be, and he is hereby allowed the sum of three thousand nine hundred and seventy-three dollars and seventeen cents, for services rendered the government, and money expended for the same; the amount to be paid in the Promissory Notes of the government, and that the Auditor be, and he is hereby required to audit his accounts to that amount.

JOSEPH ROWE,  
Speaker of the House of Representatives.

MIRABEAU B. LAMAR,  
President of the Senate.

Vetoed by the President and passed by a constitutional majority of the House of Representatives, May 17, A. D. 1838.

JOSEPH ROWE,  
Speaker of the House of Representatives.

Vetoed by the President, reconsidered, and passed by a unanimous vote of the Senate, May 19, 1838.

MIRABEAU B. LAMAR,  
President of the Senate.

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AN ACT

To authorise the President to re-issue the Promissory Notes of the Government as they return into the Treasury, and making special appropriations.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,—That the President be, and he is hereby authorized and required to have re-issued, and continue to have re-issued the Promissory Notes of the Government as they return into the Treasury, until the appropriations hereafter specified in this act shall be met and discharged; as also all other special appropriations which have been, or may be made by this congress.

SEC. 2. Be it further enacted, That the amount of one hundred and fifty thousand dollars of the Promissory Notes of the Government be, and the same is hereby especially appropriated for the payment of the civil list claims against the Government.

SEC. 3. Be it further enacted, That the amount of two hundred thousand dollars of the Promissory Notes of the Government be, and the same is hereby especially appropriated for the payment of military claims against the Government, for personal services rendered: Provided, the claims are in the hands of the original holders, or their heirs.

SEC. 4. Be it further enacted, That the amount of one hundred thousand dollars of the Promissory Notes of the Government be, and the same is hereby especially appropriated for the payment of the naval claims against the Government, for personal services: Provided, the claims are in the hands of the original holders, or their heirs.

SEC. 5. Be it further enacted, That the holder or holders of any claims contemplated in the third and fourth sections of this act shall, before the payment thereof, be required to take the oath specified in the act entitled “an

act to pay the officers and soldiers of the Army and Navy," approved December 14, 1837, which oath may be taken before any person duly authorized to administer an oath.

SEC. 6. Be it further enacted, That if, in the opinion of the President, the situation of the Republic shall be such as to require a greater issue of the Promissory Notes of this Government than has already been issued, he is hereby authorized to increase the amount of issues to an amount not exceeding one million of dollars.

SEC. 7. Be it further enacted, That it shall be the duty of the Treasurer to publish monthly extracts from his books, showing the amounts received and the amounts paid out, stating specially to whom paid, and on what claims.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 18, 1838.

SAM. HOUSTON.

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RESOLUTION

For the benefit of Captains Ross and Lynch's Companies.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby required to audit the discharges of Captains Ross and Lynch's Companies for the time they were actually in service.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

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AN ACT

For the relief of Robert Hodge.

Whereas, it appears that a mistake has occurred in the Land Office, whereby it appears that the following described tract of land, lying back of leagues number one, two, and three, east of San Bernards, was by mistake granted to John Hodge on the fourteenth day of June,

eighteen hundred and thirty-one, which was intended for and should have been Robert Hodge, therefore, Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Commissioner of the General Land Office be, and he is hereby authorized and required to correct the aforesaid mistake in the records of his office, by changing the name of John Hodge to that of Robert Hodge; both on the original grant and the copy of the same now in the possession of the aforesaid Robert Hodge.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 19, 1838.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the relief of J. W. Fanning.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby required, to audit the accounts of J. W. Fanning, as approved by the Secretary of War, for eight hundred and twenty-six dollars and fifty cents.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 20, 1838.

SAM. HOUSTON.

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### AN ACT

For the relief of F. Neblin.

Whereas, F. Neblin acted as assistant commissary-general for the army during the spring and summer of eighteen hundred and thirty-six; and whereas, at that time, the commissary Department was in a state of disorganization, for the want of proper enactments; and whereas, the said Neblin, as appears from receipts of various officers has discharged his duty faithfully: Therefore,

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the quarter master-general under the inspection of the Secretary

of War be authorized to settle with F. Neblin, Assistant Commissary General upon such terms as he may consider just and equitable.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 21, 1838.

SAM. HOUSTON.

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AN ACT

Granting a pension to Mary Millsaps and Family.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, a pension of two hundred dollars per annum for ten years shall be, and the same is hereby allowed and granted to Mary Millsaps and her children.

SEC. 2. Be it further enacted, That it shall be the duty of the Secretary of the Treasury to pay the said pension semi-annually in advance, out of any money in the Treasury not otherwise appropriated.

SEC. 3. Be it further enacted, That an amount of money sufficient to meet the demand as aforesaid, is hereby especially appropriated.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 21, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

In favor of the Officers and crews of the Schooners of War  
Invincible and Brutus.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Treasury be, and he is hereby authorized to pay out of any money in the treasury not otherwise appropriated, to the officers and crews of the Schooners of War Invincible and Brutus, or their legal representatives, one half of the avails of the prizes made by said vessels on their last cruize, which have been legally condemned;

according to their respective shares as established by law.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

## JOINT RESOLUTION

For the relief of Aaron Colvil.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor of Public accounts be, and he is hereby authorized and required to audit the claim of Aaron Colvil for the sum of seventy-five dollars.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

## AN ACT

Appointing Pilots.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act, it shall be lawful for the several collectors of the ports throughout this republic to appoint and control pilots of their respective ports, inspect the boats, &c., appertaining and belonging to the said pilots, and used by them in the discharge of their duties as pilots, and be, in every way, responsible to this Government, for the good conduct and management of the aforesaid Pilots.

SEC. 2. Be it further enacted, That all pilots who have been appointed by law previous to the passage of this act, their appointments shall be submitted to the different Collectors as above, for their ratification.

SEC. 3. Be it further enacted, That any person who shall be appointed as a pilot, shall enter into bonds with

two or more securities, payable in the sum of five thousand dollars, to the collector of the port for which he obtains license as pilot, for the faithful performance of his duties and his good conduct, and also binding him to keep always good and sufficient boats for his use.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

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AN ACT

Establishing a Mail Route from Galveston to Matagorda and Texana.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the acting Post Master General of this Republic be and he is hereby authorized and required, to establish a mail route from the City of Galveston to the towns of Matagorda and Texana, by the way of Velasco and Quintana, and contract immediately for the transportation of the mail over said route once in every two weeks.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
S. H. EVERITT,  
President pro tem. of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

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AN ACT

Providing for the punishment of offences in the depopulated Counties.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That in case of offences committed, in either of the counties of San Patricio, Victoria, Goliad and Refugio, it shall be the duty of the sheriff of the County in which such offence shall have been committed, upon the order of the Chief Justice of said county, to transport the offender or offenders to the nearest County where the district courts are regularly organized and held for trial.

SEC. 2. Be it further enacted, That all formalities and proceedings on the said trial shall be conducted in the same manner, as if the offence had been committed in the County where the trial is held.

SEC. 3. Be it further enacted, That when one or more persons are thus transported to any County for trial, a special Court may be called in the same manner, as if the offence had been there committed.

SEC. 4. Be it further enacted, That all judgments rendered in the cases above referred to, shall be executed in the county where the trial is held.

SEC. 5. Be it further enacted, That this act shall cease its operations in each of the above named Counties, whenever a District Court shall be regularly organized and held in the same respectively.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 23, 1838.

SAM. HOUSTON.

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#### AN ACT

Providing for the payment of the First Loan to Texas.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That to fulfil and carry into effect the contract of compromise made on the first day of April, 1836, between the Government ad interim of Texas, and the stockholders in the first loan negotiated by the Commissioners of Texas in New Orleans on the 11th day of January, 1836, the President of the Republic be and he is hereby authorized to issue to the said stockholders the Land Scrip as stipulated in said contract of compromise: Provided the said scrip shall not be located until after the first Thursday in August next, and further provided, that no interest shall be allowed on said loan, but that the land hereby authorized to be given shall be in full payment and liquidation of said loan.

JOSEPH ROWE,

Speaker of the House of Representatives

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

To amend an Act incorporating the City of San Antonio and other Towns.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the third section of an "act incorporating the city of San Antonio, and other towns therein named," shall be amended by inserting after the word "council" in the ninth line, the words, "and who with the Treasurer and Collector."

SEC. 2. Be it further enacted, That the eighth section be amended by striking out from the first and second lines, the words "in conjunction with the Justices of the County Courts:" provided, that this section shall not apply to Gonzales.

SEC. 3. Be it further enacted, That the ninth section of said act be amended by striking out all after the enacting clause, and inserting the following: "that the mayor be authorized and empowered to act in all cases as guardian and custodier of the peace and quiet of the city; and he is hereby vested with all the powers necessary therefor.

SEC. 4. Be it further enacted, That so far as relates to the town of Victoria, no person shall be allowed to vote for, or be eligible to fill any office in said council, who shall not be at the time of the election, the owner of real estate, or actually paying rent within the incorporated limits of said town, and who shall not have resided therein, six months previous to the election: provided, that the Mayor and a majority of the Aldermen, shall be bona fide owners of real estate within said limits.

SEC. 5. Be it further enacted, That all elections heretofore held for members of the Council of said town, and which were not held on the day specified in the fourth section of the above recited act, are hereby declared null and void; and the Chief Justice of the county of Victoria shall immediately, upon the promulgation of this act, order an election for Mayor and Aldermen for the aforesaid town, for the balance of the year one thousand eight hundred and thirty-eight.

SEC. 6. Be it further enacted, That so much of an act entitled "an act to incorporate the town of Brazoria, and other towns therein named," as relates to San Patricio, is hereby repealed; and the town of San Patricio shall be in-

incorporated under the provisions of this act, and shall be entitled to the same privileges and subject to the same restrictions as the town of Victoria.

SEC. 7. Be it further enacted, That so much of "an act, passed the fourteenth day of December one thousand eight hundred and thirty-seven, incorporating the city of San Antonio, and other towns, as conflicts with this act, is hereby repealed: that the town of Franklin in Robertson County, and the town of Refugio be incorporated under the same regulations as prescribed in this act, incorporating the town of Victoria. That so much of an act, approved December the twenty-ninth, one thousand eight hundred and thirty-seven, entitled "an act to incorporate the city of Houston and other towns therein named," that refers to the town of Refugio, be, and the same is hereby repealed.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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#### AN ACT

To amend an Act entitled an Act establishing the District Courts.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be a new judicial district established, to be called the Fifth Judicial District.

SEC. 2. Be it further enacted, That the District Courts shall be holden in the county of San Augustine, on the first Mondays in March and September, and may continue three weeks. In the county of Sabine on the fourth Mondays in March and September, and may continue six days. In the county of Jasper, on the first Mondays after the fourth Mondays in March and September, and may continue two weeks. In the county of Jefferson on the third Mondays after the fourth Mondays in March and September, and may continue one week. In the county of Liberty on the fourth Mondays after the fourth Mondays in March and September, and

may continue two weeks. In the county of Galveston on the sixth Mondays after the fourth Mondays in March and September, and may continue until the business is disposed of.

SEC. 3. Be it further enacted, That the second judicial district shall be composed of the counties of Brazoria, Fort Bend, Harrisburgh, Austin, Colorado and Matagorda. The District Courts shall be holden in the county of Brazoria at the town of Brazoria on the first Mondays in March and October, and may continue three weeks; In the county of Matagorda on the fourth Mondays in March and October and may continue two weeks. In the county of Colorado on the second Mondays after the fourth Mondays in March and October, and may continue one week. In the county of Austin, on the third Mondays after the fourth Mondays in March and October, and may continue one week. In the county of Fort Bend, on the Fourth Mondays after the fourth Mondays in March and October, and may continue one week. In the county of Harrisburgh on the fifth Mondays after the fourth Mondays in March and October, and may continue until the business shall be disposed of.

SEC. 4. Be it further enacted, That the third judicial district shall be composed of the counties of Washington, Montgomery, Robertson, Milam, Bastrop and Fayette.—The Courts shall be holden in the county of Washington on the second Mondays in March and September, and may continue two weeks; In the county of Montgomery on the fourth Mondays in March and September, and may continue six days; In the county of Robertson on the first Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Milam on the second Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Fayette on the fourth Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Bastrop on the fifth Mondays after the fourth Mondays in March and September, and may continue two weeks.

SEC. 5. Be it further enacted, That the fourth judicial district shall be composed of the counties of Gonzales, Jackson, Victoria, Goliad, Refugio, San Patricio and

Bexar. The Courts shall be holden in the county of Gonzales, on the first Mondays in March and September, and may continue six days; In the county of Jackson on the second Mondays in March and September, and may continue six days; In the county of Victoria on the third Mondays in March and September, and may continue six days; In the county of Goliad on the fourth Mondays in March and September, and may continue six days; In the county of Refugio on the first Mondays after the fourth Mondays in March and September, and may continue six days; In the county of San Patricio on the second Mondays after the fourth Mondays in March and September, and may continue six days; In the county of Bexar on the third Mondays after the Fourth Mondays in March and September, and may continue until all the business is finished.

SEC. 6. Be it further enacted, That the fifth judicial district shall be composed of the counties of Houston, Nacogdoches, Shelby, Red River and Fannin: The courts shall be holden in the county of Houston, on the first Mondays in April and October, and may continue six days; In the county of Nacogdoches on the second Mondays in April and October, and may continue three weeks; In the county of Shelby on the first Mondays after the fourth Mondays in April and October, and may continue two weeks; In the county of Red River, on the third Mondays after the fourth Mondays in April and October, and may continue two weeks; In the county of Fannin on the fifth Mondays after the fourth Mondays in April and October, and may continue two weeks.

SEC. 7. Be it further enacted, That the Supreme Court shall be holden at the Seat of Government on the second Monday in January of each year, and may continue in session until all the business before it is finished.

SEC. 8. Be it further enacted, That the alternation of the district judges, as now provided for, shall, from and after the passage of this act, be, and the same is hereby repealed; and the judges shall only be required to alternate in case of the interest of either of the Judges in any suit in his circuit, when such alternation shall be had by

them in such manner as to suit the wishes and convenience of the Judges.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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AN ACT

For the benefit of John R. Foster.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first Auditor of Public Accounts be, and he is hereby required to audit and allow the claim of John R. Foster, for personal services in the army of Texas, from the eighth of October eighteen hundred and thirty-five, to the fourteenth of February, eighteen hundred and thirty-six, and the Secretary of War is hereby authorized to issue to said Foster a certificate to bounty land corresponding with said term of service.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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AN ACT

For the relief of A. C. Horton.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Secretary of the Navy be, and he is hereby authorized and directed to allow A. C. Horton at the rate of three hundred and fifty dollars per month for his services as Navy Agent from the twenty-third day of December, eighteen hundred and thirty-seven, to the time of his return; and that the same shall be deducted out of the claims now held by the Government against said Horton.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

## AN ACT

For the relief of the heirs of certain persons therein named.

Whereas, a bill providing for the settlement of deceased soldiers' estates, makes it obligatory on those administering upon their estates, to publish the act of administration three months before they shall be permitted to act upon the duties of that office; and whereas, the advantages of priority of location guaranteed to those who were here before the declaration of Independence will be lost, because the time to which that priority is limited, will have transpired, and consequent injury result to their heirs. Therefore,

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That J. C. Duval and Wm. P. Brashear, upon the evidence of two or more respectable witnesses testifying from personal knowledge that they are the brothers, and consequently the lawful heirs of B. H. Duval and R. C. Brashear, (who were of the number of the unfortunate companions of Fannin,) be permitted to receive their pay, bounty land and head rights, in the same manner as if they had complied with the law requiring them to administer and to publish the act of administration, and forbidding them to act upon the duties of their office until the expiration of three months.

SEC. 2. Be it further enacted, That the Auditor be authorized and directed to audit the accounts of B. H. Duval and R. C. Brashear, and the Secretary of War, and Board of Land Commissioners be directed upon the evidence of two or more respectable witnesses, to issue the certificates for their bounty land and head rights.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

## AN ACT

For the benefit of P. S. Wyatt.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in congress assembled, That the sum of twelve hundred dollars be, and the same is hereby allowed to P. S. Wyatt to be paid out of the Promisso-

ry notes of this Government for fifty stand of arms, and monies expended by him in bringing a company of volunteers to Texas, in the year eighteen hundred and thirty-five; provided that six hundred dollars of the above appropriation shall be reserved by the treasurer of this republic, until a similar demand shall be made by the Government of the State of Alabama, on P. S. Wyatt; this provisor being made at the request of P. S. Wyatt.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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AN ACT

For the relief of M. B. Menard.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor be, and he is hereby directed to audit the accounts of M. B. Menard for the sum of twenty-one hundred dollars for his services as commissioner of the republic of Texas to the United States of America.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

For the benefit of William Kuykendall.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Auditor of Public Accounts is hereby required to audit and allow the claim of William Kuykendall for two hundred and five dollars for a horse and corn furnished the army of Texas.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

## A JOINT RESOLUTION

Fixing the dividing line between the counties of Bexar and San Patricio.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a direct line running from the junction of the Cibolo or San Bartola creek, to the Rio Frio, at a point thirty miles above its junction with the Nueces; thence in a direct line to the town of Loredo, shall be considered the dividing line between the counties of San Patricio and Bexar, and shall be respected as such by the surveyors of the respective counties, provided that this act shall not affect rights previously acquired by surveys legally made by the surveyors of the county of San Patricio, below the old road from San Antonio to the presidio of Rio Grande.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

## JOINT RESOLUTION

Establishing certain mail routes therein named.

SEC. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That there shall be a mail route established by this act from the town of Bastrop to the residence of Reuben Hornsleys, on the Colorado river.

SEC. 2. Be it further resolved, That there shall be established a mail route from the town of Anahuac in the county of Liberty, to the house of Thomas Stubblefield, on Trinity river, in said county; also a route from the town of Shelbyville, in Shelby county, to the town of Milam, in Sabine county, by the way of Hamilton on the Sabine river.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

## JOINT RESOLUTION

For the benefit of Hiram Wood.

Be it resolved by the Senate and House of Representatives of

the Republic of Texas in Congress assembled, That the Treasurer of the Republic be, and he is hereby authorized to pay out of the promissory notes of the Government, the amount of a draft in favor Hiram Wood for three thousand three hundred and twenty-two dollars, for Naval supplies, out of any money in the Treasury not otherwise appropriated, if, on examination of the vouchers of the claim, they be found in conformity with law and equity.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 26, 1838.

SAM. HOUSTON.

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AN ACT

Supplementary to an Act providing for the Location of Land Scrip, issued under the Act of Congress dated 6th December, 1836, and for redeeming the same.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the provisions of the above recited act do, and they are hereby declared to extend to all Land Scrip issued and sold by the authority of the Government of Texas, in accordance with law in all respects.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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CHARTER

Of Galveston and Brazos Rail-road.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a company be incorporated under the name and style of Brazos and Galveston Rail-road Company, under the rules and regulations hereinafter mentioned; and under this title may transfer their rights by succession or as-

signment, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors by the same name and style, shall be, in law, capable of holding, purchasing, and conveying any estate, real, personal, or mixed, for the use of said corporation, and doing and performing all things which are necessary and common for companies of a similar nature to do, not contrary to the provisions of this charter, as hereinafter enacted, or to the Constitution of this Republic.

SEC. 2. Be it further enacted, That the said company shall have the right to make turnpikes and rail-roads, from the main channel of Galveston Bay to the Brazos river.

SEC. 3. Be it further enacted, That the capital stock of said company shall be five hundred thousand dollars, and be divided into five thousand shares of one hundred dollars each.

SEC. 4. Be it further enacted, That the management of the affairs of said company, shall be conducted by a board of five directors, each of whom shall own at least fifty shares of the capital stock of the said company, and three of said directors shall form a quorum to do and perform all the business necessary to the successful operation of said improvements; that a majority of said directors shall appoint a President from one of their number, and fill such vacancies as may from time to time take place, from death, resignation, or otherwise; that after the election mentioned in section eighth in this act, all ensuing elections for directors shall be held annually at the village of Austinia, on the first Monday of June of each year, and in case of failure to elect, on the day fixed by this act, the corporation shall not be dissolved for that cause, but the President and Directors for the time being, shall continue in office until there shall be an election, and that the stockholders shall have one vote for each share that they own, and may vote by attorney.

SEC. 5. Be it further enacted, That on application for

shares the sum of twenty dollars for each share applied for shall be deposited with the commissioners, and the balance shall be paid at such times, and upon such terms, as the President and Directors may designate; provided, that no more than ten dollars on each share shall be called for at a time; and also provided, that public notice in a Newspaper published at the seat of government, be given for sixty days, and in case that any of the stockholders neglect to pay any of the instalments after being thus advised, at the expiration of said term, the shares, as also the first or subsequent instalments which may have been paid, shall be forfeited for the benefit of the company, and a new subscription may be opened to cover any deficit occasioned by said shares.

SEC. 6. Be it further enacted, That the President and Directors of the said company shall prescribe the form of certificates of shares of stock, and the manner of transferring such certificates, but the transfer shall be made in a book to be kept for the purpose by said company at their place of doing business, which transfer shall be made in the presence of, and attested by, either the president or secretary of said company, and a transfer may be made by such shareholders in person, or by his, her, or their agent: The power of attorney to such agent to be duly proved and certified, and lodged with the president or secretary of said company; provided, that no transfer shall be allowed to be made on the transfer book, except it be done at least fifteen days previous, or five days after the day of election, for Directors as appointed in section fourth of this act.

SEC. 7. Be it further enacted, That books for the subscription of the capital stock of said company shall be opened as follows, viz: At the city of Houston, for two thousand shares of said stock, under the superintendence of W. G. Cooke and Asa Brigham; at the village of Austinia, for fifteen hundred shares, under the superintendence of James F. Perry and George L. Hammeken; at the town of Brazoria, for fifteen hundred shares, under the superintendence of Edmund Andrews and Frederick A. Sawyer, and shall remain open until at least one thousand shares are subscribed for, at which time due returns of all the subscriptions shall be made to the commissioners of Austinia.

SEC. 8. Be it further enacted, That whenever one thousand shares of said stock shall have been taken, the commissioners shall give thirty days notice, in one or more Newspapers published at the seat of government of this republic, that the number of shares required by the act of incorporation to organize the company, have been subscribed, and that an election will be held at Austinia, or at such place as the commissioners may determine, to choose by a majority of the votes of the subscribers, by ballot, to be delivered in person, or by proxy, duly authorized, five directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company for one year, or until other such officers shall be elected.

SEC. 9. Be it further enacted, That when the company shall be duly organized in conformity with sections four and eight of this act, the President and Directors shall have full power to borrow money upon the faith of this charter, to accomplish the object of the present act: and may hypothecate the stock or other property, real or personal, and issue certificates for the payment of the same, and also to do and perform as directors of said company, everything necessary and proper to carry it into complete operation.

SEC. 10. Be it further enacted, That the President and Directors, with such surveyors, engineers, artists, and chain-carriers, as they may think necessary, are hereby authorized to enter in and upon the land and enclosures, and public roads and highways in, through, and over which, the said intended turnpikes or rail-roads may be thought proper to pass; and to examine and survey the ground most proper for the purpose; and also that the said President and Directors, shall have the right to survey, lay out, and make their roads, through any improved or unimproved lands, on the most eligible route; and should the said company or their agents not be able to make arrangements with the owner or owners of the said land through which it may be necessary to run said improvements, or should said owner or owners, not be capable of contracting, or be absent or unknown, the company may petition the judge of the county in which said land is situated, giving a description of the lands which they deem necessary and indispensable for their operations, with the names of the proprietors, if they can be as-

certained; and the said judge shall then summon a jury of six freeholders, not interested in the company, who shall make a report of the value of the land so required, and upon the payment thereof by the company, either to the owner, or to the treasurer of the county, a good and bona fide title shall be granted by the judge, a copy of which shall be recorded in the Recorder's office of the county where the land is situated; provided, that the lands so required shall not exceed fifty yards in width.

SEC. 11. Be it further enacted, That should said company wish to occupy any portion of the public lands by their improvements they shall have a right to take possession of, and pay to the government, the minimum price of such lands; provided, that the land so required shall not exceed fifty yards in width.

SEC. 12. Be it further enacted, That if any person or persons whatsoever, shall wilfully, by any means whatever, injure, molest, or destroy any part of the turnpikes or rail-roads, constructed by said company under this act, or any of their works, buildings, fixtures, or machines, or other property, such person or persons, so offending, shall each of them be liable for all damages occasioned thereby, and at any time within twelve months after such offence shall have been committed, and upon conviction be punished by a fine not exceeding ten thousand dollars; or imprisonment, not exceeding twelve months, or both, at the discretion of the court.

SEC. 13. Be it further enacted, That the said company may establish on their different routes, and make use of, all kinds of boats, vehicles, wagons, or carriages of any nature whatsoever, for the purpose of transportation; that so soon as the work is completed, the managers, or directors thereof, shall report to Congress, who shall have the sole power of regulating the rates of tolls for passing said railway; and all Government stores, arms, ammunition and men, that the Government may find it necessary to pass over said road, shall be transported free of toll or other charge.

SEC. 14. Be it further enacted, That the said company may construct bridges, and make such improvements in the different bays, rivers, bayous, creeks, &c. as may be deemed expedient by them or their agents, provided,

that said bridges do not in any way obstruct the navigation of the aforesaid rivers.

SEC. 15. Be it further enacted, That in the event that ten miles of the aforesaid turnpikes or rail-roads, shall not be completed within four years from and after the passage of this act, the land specified in sections ten and eleven, shall revert to the original proprietors, the money paid by the company shall be retained by the said proprietors, as an indemnification for the occupancy of the same, and the said charter shall be forfeited, and forever thereafter be null and void.

SEC. 16. Be it further enacted, That this act shall not be so construed, as to permit of banking privileges in any form whatever.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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AN ACT

To Amend the Direct Tax Law.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That it shall be the duty of the assessors, so soon as they may be notified of their appointment, to advertise in at least three of the most public places within each captain's beat, giving at least twenty days notice to all persons living within the bounds of the same, that he will attend at the mustering grounds for said beats on a particular day or days, for the purpose of receiving a list of taxable property, at which time and place he shall attend, and remain a sufficient length of time to enable all persons who may attend to give in their several lists.

SEC. 2. Be it further enacted, That each and every person giving a list of their taxable property, shall take the following oath, to be administered by the assessor, or some other person duly authorized to administer an oath: "I, A. B., do solemnly swear (or affirm as the case may be) that this list contains a true and perfect account of

all and every species of taxable property belonging to me, or in my possession on the first day of January last, within the bounds of this republic, and what I consider to be a fair valuation of the same, and that no change or removal of property hath been made, or entered into in order to evade the payment of tax, so help me God."—If the assessor, however, shall think the valuation to be unfair, he may appoint two disinterested persons, who shall upon oath affix the valuation thereof, which shall be final.

SEC. 3. Be it further enacted, That if any person shall fail or refuse to give a list of his taxable property before the expiration of the time allowed the assessor to make his assessments, he shall be subject to pay a double tax, and the sheriff is hereby required to collect the same, and to make due returns in like manner with other taxes, giving a correct account thereof, and the sheriff in making his returns of monies, or other taxes by him collected, shall swear and subscribe to the following oath, to be administered by some person duly qualified to administer the same: "I, A. B., do solemnly swear that the list of taxes accompanying this affidavit contains a just and true account of all the taxes by me collected up to this time; excepting such as I have previously made due returns of."

SEC. 4. Be it further enacted, That it shall be the duty of the several clerks of the county courts to make out within one month after he receives the returns from the assessor a copy in alphabetical order, of the names of every person, who has given in a list of their taxable property, together with a list of the property so given in by them, and valuation, and post the same up in the court-house where it shall remain subject to the inspection of the public, and any person who shall be guilty of mutilating, destroying or removing the same, shall be deemed guilty of a high misdemeanor, and upon conviction, shall be fined, not less than one thousand dollars, and imprisoned not less than thirty days; and it shall also be the duty of said clerks to make and furnish to the sheriff a similar copy of such list of taxable property, on or before the first Monday in April succeeding each term; for all of which services the county court shall adjudge and al-

low said clerks a reasonable compensation, to be paid out of the county treasury, upon their order.

SEC. 5. Be it further enacted, That it shall be the duty of the sheriffs to collect, as the law directs, all the taxes which may be due from persons of their respective counties, and in case any person should prove insolvent for their taxes, the sheriff shall make a due return of all such to the clerk of the county court, who shall make a list of the same and put it up in the court house.

SEC. 6. Be it further enacted, That all persons owning taxable property situated within the bounds of the county in which they reside, in giving a list of their property, shall describe the same particularly, stating the quality, species, quantity, valuation, and in what county it is situated, and a separate list for property situated in different counties, lists of which taxable property shall be transmitted to the clerk of each county where such property may be situated, upon which list it shall be lawful for the county court to levy a tax for county purposes, which tax shall be levied and collected as other county taxes are in such county.

SEC. 7. Be it further enacted, That it shall not be lawful for any county court, or any corporation, to levy and collect a currency differing in character from that which is levied by the republic.

SEC. 8. Be it further enacted, That hereafter a direct tax shall be levied and collected alone upon lands, and slaves, horses, over two; mules, over two; neat cattle over twenty-five in number; clocks, watches, pleasure carriages, and town and city lots; provided, that nothing in this act shall be so construed, as to repeal so much of an act enforcing taxes on taverns, grog-shops, billiard-tables, merchants, nine-pin alleys, and poll tax.

SEC. 9. Be it further enacted, That in all counties where taxes have not been given in and paid according to the laws, it shall be the duty of the assessor to assess, and the sheriff to collect, the taxes for the preceding year or years, at the same time the taxes are assessed and collected for the current year, according to the rates established heretofore by law.

SEC. 10. Be it further enacted, That it shall be the duty of the clerks of the county courts, in the new counties

which have been created during the years 1837 and 1838, to obtain from the clerks of the counties out of which such new counties have been created, a certified copy of the assessments or list of taxes due upon property within the new county, which were due before the division was made, which assessment or tax list shall be delivered to the sheriff of the new county, and by him collected agreeably to law.

SEC. 11. Be it further enacted, That in all cases where there is no personal property to be found whereon to distrain for taxes on lands and lots, the sheriff shall report all such lands and lots to the county court, whose duty it shall be to enter up judgment against the same, and the owners thereof, for the amount of taxes, costs and charges thereon, and an order of sale shall issue to the sheriff, requiring him to sell the same, and the return of the sheriff on such order shall be good in law as all other sales made on a fieri facias; all lands and lots so sold may be redeemed by the original owner, within twelve months from the day of sale by paying fifty per cent on the amount.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR.

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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#### RESOLUTION

Declaring John Vince the Legitimate Son of Allen Vince and Matilda Welbourne.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That John Vince, son of Allen Vince and Matilda Welbourne, be, and he is hereby declared legitimate, and capable in law of inheriting his parents' property in the same manner as if he had been born in lawful wedlock.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR.

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

## AN ACT

## Respecting the Abatement of Suits, &amp;c.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That when any party may die pending any suit in any of the courts of this republic, the suit shall not thereby abate, but upon the death being suggested upon the docket, it shall and may be lawful to issue a scire facias, returnable to the next term of the court, which being served upon the executor, administrator, guardian, curator, or heirs, they shall be made parties to said suit.

SEC. 2. Be it further enacted, That when any person hath or may hereafter die intestate, and no person will administer on said estate, it shall and may be lawful for any person who hath commenced any suit against such intestate in his life time, and may wish to recover the same, to issue a scire facias against the heirs of such intestate, and in case the heirs or minors are absent from the republic, it shall be the duty of the court to appoint a guardian for such heirs as are minors, for the purpose of defending said suit, and on a return of the scire facias having been served upon the guardian or heirs, as the case may be, the said plaintiff may prosecute his said suit to judgment and execution as in other cases.

SEC. 3. Be it further enacted, That no suit now pending or which may be hereafter brought in any of the courts by a feme sole, shall abate by her marriage, and it shall be lawful for the husband, at the next succeeding term after his marriage, to make himself party to any such suit, and to prosecute the same as if he and his wife had been original plaintiffs to such suit.

SEC. 4. Be it further enacted, That no suits in any of the courts which are now pending or which may be hereafter brought against a feme sole shall abate by her intermarriage, but their husbands respectively may be made defendants to such suits, by scire facias, and judgment may be rendered therein, and execution issue as though such suit had been instituted against such husband and wife jointly; provided that nothing herein contained shall be so construed as to make the husband liable for any debts contracted by said feme sole before marriage.

SEC. 5. Be it further enacted, That when any suit

shall have been or may hereafter be commenced in the name of one person for the use of another, and the person whose name may be used, shall depart this life during the pending of such suit, it shall not be necessary to revive said suit in the name of the representative of the deceased, but said suit may be prosecuted in the same manner as though said death had not happened, the same having been suggested on the record.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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AN ACT

Supplementary to an Act Granting Lands to those who were in the Battle of San Jacinto and other Battles.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the conditions contained in the first section of the act to which this is a supplement, so far as relates to the individuals who were in the action of the 19th March, 1836, under the commands of Colonels Fannin and Ward, and also those who fell at the Alamo under the commands of Bowie and Travis, are hereby cancelled.

SEC. 2. Be it further enacted, That the Secretary of War is hereby authorized and required to issue land warrants agreeably to all the provisions of the aforesaid act, which is not repealed by this act, to the legal representatives, in the name of the heirs of all persons embraced in the first section of this act, upon the production of satisfactory testimony that the persons whom they represent were among those who fell in either of the two actions above named.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

## AN ACT

To Define the boundary Line of the County of Montgomery.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the boundaries of the county of Montgomery shall be as hereinafter expressed, to wit: Beginning at a point on the east side of the Navasoto river, where the San Antonio road crosses the same; thence eastwardly with said road to the Trinity river; thence down said river to the boundary line of the county of Liberty; thence west and south with the boundary line of said county till it strikes the northern boundary line of the county of Harrisburg; thence west with the boundary line of said county to the county of Austin; thence with said county line to the Brazos river; thence up said river to the mouth of the Navasoto; thence up the Navasoto to the place of beginning.

SEC. 2. Be it further enacted, That all acts and parts of acts coming within the purview and meaning of this act be, and the same are hereby repealed.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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 AN ACT

Supplementary to an Act entitled an Act to Authorize the Clerks of the several Courts to appoint Deputies, approved Dec. 21st, 1837.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the clerk of the Supreme Court be and he is hereby authorized to appoint a deputy upon the terms and conditions prescribed to clerks of the District and County Courts in the act entitled "an act to authorize the clerks of the several courts to appoint deputies, &c.," approved December 21st, 1837.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Defining the Boundaries of the Counties of Bastrop and Gonzales.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That from and after the passage of this act the following shall be the line between the counties of Bastrop and Gonzales: beginning at the northeast corner of a tract of land granted one Stiffin, thence to its north-west corner, thence to the north-west corner of a league granted to S. Hall, thence north-west with a line run and marked by Bartlett Simes for the line between Dewit's Colony and S. F. Austin to the San Antonio road, thence westwardly with the same to the Guadalupe, up the same to the north-west of Milam's Colony, thence north seventeen degrees east to the dividing ridge between Colorado and Brazos, thence down the same closing on Fayette.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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AN ACT

Better to Define the Duties of Sheriffs.

SEC. 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That if any sheriff shall fail to return an execution within the time prescribed by law, or shall neglect to pay money recovered upon an execution, to the counsel of record for the plaintiff in execution, there shall be rendered against such sheriff, a judgment for the account due upon the execution, with ten per cent. damages, and also ten per cent. interest per month until the whole amount shall be paid; provided, that the party moving for such judgment shall have given to the sheriff at least three days notice, before the motion made, which judgment may be rendered before any court of record in the county where such execution was issued.

SEC. 2. Be it further enacted, That in any case where the sheriff is a party to the suit, all processes shall be ex-

ecuted by the constable of the township where the court is held in cases where there is no coroner in the county, or if he be absent from the seat of justice of the county, at the time the process is obtained, and in such case the constable shall have jurisdiction co-extensive with the county.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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### JOINT RESOLUTION

Providing for Issuing Certificates of Head Rights to the Heirs of those who fell with or under Fannin, Travis, Grant and Johnson.

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That a certificate from the Secretary of War shall be a sufficient evidence to any of the boards of land commissioners to grant certificates of head rights to the heirs, or legal representatives of those who fell while under the command of, or with Fannin, Travis, Grant and Johnson, in the Spring of eighteen hundred and thirty-six.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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### AN ACT

Defining the Boundaries of Austin County.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That all that territory comprehended within the following limits shall compose the territory belonging to the county of Austin, to wit: beginning on the San Bernard at the lower line of Cole's League of Land, thence in an eastwardly direction with the upper line of Fort Bend County to the north-east corner of said line on Buffalo Bayou; thence in a northwardly direction with the county line between

Harrisburg and Austin to the head of Spring creek, thence in a direct line to the head of Pond creek, thence to the mouth of Beason's creek, thence crossing the Brazos river to the mouth of Caney creek, and up said creek with the line of Washington county to its source; thence with said line to a league of land granted to Harmon Hansley, thence to a league of land granted to David Shelby, thence in a direct line to a league of land granted to Samuel O. Pettis, including said land, thence in a direct line to the head of San Bernard, and down the same to the place of beginning.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

For the relief of D. B. Friar.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the first Auditor be and he is hereby directed, to audit and pay the claims of D. B. Friar on this Government, in conformity with equity and justice, and according to law.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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AN ACT

Relative to the Duties of the Collector of the Port of Velasco.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Collector of the Port of Velasco, be required to despatch all vessels which may arrive at said Port destined to Brazoria or Columbia, forthwith to their place of destination, and to place an officer on board of said vessels to

deliver the cargoes and secure or receive the duties thereon, agreeably to law, and former practice.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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### JOINT RESOLUTION

For the Benefit of John Talbott.

SEC. 1. Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled,—That the Secretary of War be and he is hereby authorized and required to issue to John Talbott a land warrant for twelve hundred and eighty acres of bounty land for his services as armorer at Galveston Island; provided always that twelve hundred and eighty acres, is to be the full amount of bounty land the said Talbott shall receive for past services.

SEC. 2. Be it further resolved, That the auditor is hereby directed to audit the said Talbott's claims on the Government for pay, to the amount of fifty dollars per month for such time as he acted as master armorer, deducting the amount he may have received.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

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### AN ACT

For the Relief of George Sutherland.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the auditor be authorized and required to audit the claim of George Sutherland for fourteen hundred dollars, it being for corn, cattle and hogs furnished the army.

JOSEPH ROWE,  
Speaker of the House of Representatives.  
MIRABEAU B. LAMAR,  
President of the Senate.

Approved, May 24, 1838.

SAM. HOUSTON.

AN ACT

Appointing Commissioners to view and mark out a road from Bastrop to Red River.

Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That R. B. Craft, William Barton, and Captain Lynch, be, and they are hereby appointed Commissioners to view and mark out a road from Bastrop on the Colorado river, to the Trinity river, at or near the upper Three Forks, and that Baily English, Robert Sloan, and Levi M. Rice be, and they are hereby appointed Commissioners to view and mark out a road from the point on Trinity, at or near the upper Three Forks thereof, so as to intersect with the road marked out from that point to Bastrop on the Colorado river, to some point on Red river not below the Spanish Bluffs, nor above the Cross Timbers, and it shall be the duty of the said two appointments of Commissioners to confer with each other and fix on the time at which they will meet, at or near the Three Forks of Trinity, so as to depart from the same point (or agree on the point) at which said road shall cross Trinity river, and it shall be the duty of said Commissioners to report to Congress at the next session, and shall be entitled to three dollars per day for said services, out of any money in the Treasury not otherwise appropriated; Provided, however, that they shall not be paid for more than twenty days.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 26, 1838.

SAM. HOUSTON.

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JOINT RESOLUTION

For the Relief of John Murray.

Resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the Treasurer of this republic be, and he is hereby authorized and required to pay Capt. John Murray, with the promissory notes of the Government, the sum of two thousand one

hundred and one dollars and thirty-five cents, being the balance due on his draft audited 16th July, 1836, at Velasco, which audited draft shall be the voucher for the Treasurer.

JOSEPH ROWE,

Speaker of the House of Representatives.

MIRABEAU B. LAMAR,

President of the Senate.

Approved, May 26, 1838.

SAM. HOUSTON.

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