

ORDINANCES AND DECREES
OF THE
CONSULTATION,
PROVISIONAL GOVERNMENT OF TEXAS
AND THE
CONVENTION
WHICH ASSEMBLED AT WASHINGTON MARCH 1, 1836.

BY ORDER OF THE SECRETARY OF STATE.

HOUSTON.
1838

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 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.

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, Empressarios, 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 batallion, 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. Everitt,
John Bevil,
Wyatt Hanks.

—

Municipality of Jefferson.

Claiborne West.

—

Municipality of Matagorda.

R. R. Royal,
Charles Wilson.

—

Municipality of Tenehaw.

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.

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.

*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.

*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.

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 decrees 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.

*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.

*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 Battalion 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.

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.

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.

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.

*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 necessities 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.

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 (fff)
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 Oppelousas 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 im- proved 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 Tac- tics on Fortifications, Civil and Geograph- ical 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.

*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. M'Kinney 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.

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.

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.

*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.

*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.

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.

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.

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.

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.

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.

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 Deposit 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 deposit, 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.

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.

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 postmaster 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, 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, 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 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. *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'y of General Council.

Approved, December 12, 1835.

HENRY SMITH,

Governor.