

Exhibit 226

in the case of:

**People of the Republic of Texas
and the
Sovereign Nation of the Republic of Texas**

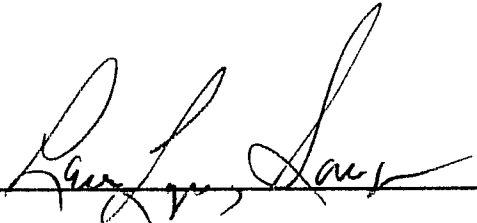
v.

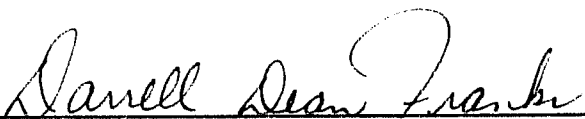
**UNITED NATIONS
(and all it's Political Subdivisions)
and
UNITED STATES
(and all it's Political Subdivisions)**

Under Pains and Penalties of perjury and the laws of the Almighty, and being sworn under a vow and oath, I attest that the attached pages are true and correct representations of:

Texas' First Declaration of Independence and First Constitution, from: Ernest Wallace, David M. Vigness, and George B Ward, *Documents of Texas History*, (State House Press, Texas, 1994).

This attestation is made on August 18, 1998.

Attest:  _____



Witness to source and above signature



Witness to above signatures

San Antonio de Véjar, which is today the capital, has for its local government a municipal council of two *alcaldes*, an attorney, all three elected, and six aldermen. La Bahía and Nacogdoches are commanded by lieutenants of the governor, assigned and replaced at his will; and the missions are governed by a corporal. In each town a company of cavalry is stationed. Since 1806, military detachments of not fewer than fifty men have been posted on the Guadalupe and Trinity Rivers on the road to the frontier of Louisiana and another at the port of Arcokisas [evidently a place on Galveston Bay], under whose protection some families have gathered. San An-

tonio and La Bahía are administered spiritually by parish priests, Nacogdoches and the missions by Recollect Franciscans of Guadalupe de los Zacatecas, and all are subject to the bishop of Nuevo Leøn. As a result of the pretensions of the Anglo-Americans on the borders between Louisiana and Texas, the troops of Coahuila, aided by seven hundred militiamen of Nuevo Leøn and Tamaulipas, all under the command of Colonel Antonio Cordero, governor of Coahuila, marched to Texas and to its frontier at the end of 1805. These men, having remained there until the present, have augmented the population of the province to seven thousand souls. . . .

19. TEXAS' FIRST DECLARATION OF INDEPENDENCE AND FIRST CONSTITUTION

April 6 and 17, 1813

Mexico began its long struggle for independence in 1810. The revolution shortly spread to Texas. The initial revolt in 1811 at San Antonio was premature, but a more formidable movement, led by José Bernardo Gutiérrez de Lara, developed the next year. Gutiérrez, as an envoy of the Mexican revolutionists, had failed to gain official recognition by the United States, but he had found public sentiment in Natchitoches, New Orleans, and Washington highly favorable toward Mexican independence. Thereupon, he set up headquarters in the Neutral Ground, flooded Texas with propaganda advocating a new order along the lines of the current liberal philosophies, and got an ex-United States Army officer, Augustus W. Magee, to join him in raising the "Republican Army of the North" for the purpose of liberating Texas. Entering Texas on August 8, 1812, the revolutionists advanced to Nacogdoches, where they were received with great enthusiasm, the royalist troops deserting to their forces. They captured San Fernando de Béxar (San Antonio) without difficulty on April 1, 1813, where five days later the leaders issued a Declaration of Independence, a document obviously inspired by that of the United States.

On April 17 Gutiérrez and the *junta* at San Antonio issued the first constitution of Texas. The constitution provided for a Spanish-type government for "the State of Texas, forming a part of the Mexican Republic." Disappointed over this reactionary development, the liberals lost interest, and, shortly afterwards, when the Republican forces were defeated by General Joaquín de Arredondo, commandant of the Eastern Interior Provinces, on the Medina River near San Antonio, the first independent Texas movement collapsed. Gutiérrez sent a manuscript copy (in Spanish) of his "Constitution of the State of Texas" to William Shaler, Special Agent of the United States stationed at Natchitoches to observe developments in Texas, who in turn enclosed it in his report of May 14, 1813, to Secretary of State James Monroe. It is from this copy that the English translation reproduced here is taken.

1. THE DECLARATION OF INDEPENDENCE

April 6, 1813

From H. Niles (ed.), *The Weekly Register*, IV (July 17, 1813).

We, the people of the province of Texas, calling on the Supreme Judge of the Universe to witness the rectitude of our intentions, declare, that the ties which held us under the domination of Spain and Europe, are for-

ever dissolved; that we possess the right to establish a government for ourselves; that in future all legitimate authority shall emanate from the people to whom alone it rightfully belongs, and that henceforth all allegiance or subjection to any foreign power whatsoever, is entirely renounced.

A relation of the causes which have conduced to render this step necessary, is due to our dignity, and to the opinion of the world. A long series of occurrences, originating in the weakness and corruption of the Spanish rulers, has converted that monarchy into the theatre of a sanguinary war, between two contending powers, itself destined the prize of the victor; a king in the power and subject to the authority of one of them, the miserable wreck of its government in the possession of the other, it appears to have lost the substance and almost the form of sovereignty.—Unable to defend itself on the Peninsula, much less to protect its distant colonies; those colonies are abandoned to the caprice of wicked men, whilst there exists no power to which they may be made responsible for the abuse of their authority, or for the consequence of their rapacity. Self preservation, the highest law of nature, if no other motive, would have justified this step. But, independent of this necessity, a candid world will acknowledge that we have had cause amply sufficient, in the sufferings and oppression which we have so long endured.

Governments are established for the good of communities of men, and not for the benefit and aggrandisement of individuals. When these ends are perverted to a system of oppression, the people have a right to change them for a better, and for such as may be best adapted to their situation. Man is formed in the image of his Creator: he sins who submits to slavery. Who will say that our sufferings were not such as to have driven us to the farthest bounds of patience, and to justify us in establishing a new government, and in choosing new rulers to whom we may intrust our happiness?

We were governed by insolent strangers, who regarded their authority only as the means of enriching themselves by the plunder of those whom they were sent to

govern, while we had no participation either in national or municipal affairs.

We feel, with indignation, the unheard of tyranny of being excluded from all communication with other nations, which might tend to improve our situation, physical and moral. We were prohibited the use of books, of speech, and even of thought—our country was our prison.

In a province which nature has favored with uncommon prodigality, we were poor. We were prohibited from cultivating those articles which are suitable to our soil and climate, and of pressing necessity. The commerce of our country was sold to the favorites of the court; and merchandise were supplied under the enormous exactions of the monopolists. A barbarous and shameful inhospitality was manifested to strangers, even to our nearest neighbors.

The product of our soil and of our country were alike denied exportation. Our trade consisted in a trifling system of smuggling.

Every path which led to fame or honor was closed upon us. We were denied participation in public employments; we had no rank in the army maintained in the bosom of our country. We expected no promotion in a church to which we have ever been faithful and obedient sons.

We saw the mighty monarchy of Spain threatened with destruction, and our oppressions were forgotten; we flew to her assistance like faithful and submissive vassals. As a reward for our faithful services, a sanguinary vagrant, distinguished in his own country by no honorable action, is sent amongst us, and his government exhibited only acts of cruelty, insatiable avarice and augmented oppression. Nothing but the specious promise that a general assembly of the Cortes would be convened, could have restrained us. Experience has shown this hope to be illusory. Some miserable wretches, styling themselves the rulers of Spain, have sold us to a foreign power, for a term of years, in order to procure the means of consigning us forever to the most ignominious servitude.

The Spanish colonies of South America, have long since declared and maintained their independence; the United States prove to us, by an experience of thirty years, that such a separation may be attended with national and individual prosperity.

We conceive it a duty we owe as well to ourselves as to our posterity, to seize the moment which now offers itself, of shaking off the yoke of European domination, and of laboring in the cause of the independence of Mexico; taking the authority into our own hands, forming laws, and of placing the government of our country upon a sure and firm basis, and by these means assure a rank among the nations of the world.

2. THE CONSTITUTION OF THE STATE OF TEXAS

April 17, 1813

From "The Constitution of the State of Texas" (Special Agents: Shaler, 1810, II, MS, State Department, National Archives, Washington; microfilm copy, University of Texas Library, Austin); Julia Kathryn

Garret, "The First Constitution of Texas, April 17, 1813," *The Southwestern Historical Quarterly*, XL (1936-37), 290-308.

1. The province of Texas shall henceforth be known only as the State of Texas, forming part of the Mexican Republic, to which it remains inviolably joined.

2. Our Holy Religion will remain unchanged in the way it is now established, and the laws will be duly executed unless they are expressly and publicly revoked or altered in the manner herein prescribed.

3. Private property and possessions will be inviolable, and will never be taken for public use except in urgent cases of necessity, in which instances the proprietor will be duly recompensed.

4. From today henceforward personal liberty will be held sacred. No man will be arrested for any crime without a formal accusation made in the proper form under oath being first presented. No man will be placed before the Tribunal without first having been examined by the witnesses. Neither will any man be deprived of life without having been heard completely [in court], an exception being made from this rule during the time of the present War in the case of criminals of the Republic, whose punishments will be decided by the Junta in accord with the Governor in order to assure the firmness of an Establishment and to protect the people.

5. The Governor selected by the Junta will be Commander-in-Chief of the military forces of the State, but he will undertake no campaign personally without having received the order of the Junta. In such a case, the Governor will provide the necessary means for maintaining the obligations of the Government during his absence. Also under his charge will be the establishment of laws pertaining to the organization of the Army, the naming of military officials, and the ratifying of the commissions and ranks of those already employed. He shall be intrusted with the defense of the Country, foreign relations, execution of the laws, and preservation of order. He will have a right to one secretary, two aides-de-camp, three clerks for the Spanish language and one for English.

6. The Salaries of the Governor and the other Civil and Military officials will be fixed as promptly as possible and will be assured by law.

7. There shall be a Treasurer whose function shall be to receive and to preserve intact the Public Funds, keeping them at the disposal of the Government.

8. The City of San Fernando will be the seat of government and the residence of all public officials. It will be governed by two mayors and four District Commissioners selected by the Junta.

9. The Cabildo will be entrusted with the policing of the interior of the city, and will have all the authority necessary to fulfill its purpose. The mayors shall each have power to judge cases in their jurisdiction and shall appoint the necessary officials and indicate the days for the hearing. Their judgments shall be governed by the established law on the individual cases [Blurs in this article make translation difficult.]

10. Each town in the State will be governed by a military officer named by the Governor, and this officer will be required to follow whatever rules are deemed necessary by the Junta.

11. It shall be the obligation of the Cabildo and the military commandants [of the towns] to present to the Governor an exact census of the population of their respective districts and to establish schools in each city or town.

12. The Junta shall have the power to dismiss any officials it has nominated should it deem such a procedure necessary.

13. There shall be a Superior Audiencia which will be composed of a Judge well versed in law appointed by the Junta. He will have the functions of taking the necessary measures for maintaining peace and good order, of trying all criminal cases, of deciding cases in which the sentence or amount in controversy exceeds 1000 pesos. This tribunal will name its officials, fixing the time and place of its session, and its emoluments will be determined by laws set up for that purpose. It will be the duty of the tribunal in trying persons accused of murder to name five of the most discreet and intelligent citizens of the district who shall swear to perform their duty in justice both to the State and to the defendant, and to assist the Judge in reaching a fair verdict. It shall also be the duty of the tribunal to establish a code of criminal law and methods of procedure, so that all crimes might have their respective punishments and might be clearly and promptly defined. Once approved by the Junta, this will be the law of the Land, and will be published for the benefit of the People. No one shall be punished for hav-

ing committed any crime or offense which the law has not provided for.

14. Any change or alteration in the laws in force at present will be effected by the Junta and will be made known to the People.

15. The Junta will meet to hold its sessions in the capital one day each week, or oftener if some matter is urgent. It shall preserve all powers granted it by the people, and will have as its obligation to keep close watch and care diligently for the welfare of the State, to alter or amend these regulations that becomes necessary, to preside in matters dealing with war and the various branches of foreign relations, and finally, to do everything in its power for the benefit of the great cause of Mexican independence.

16. The Junta will take notice of any enemy property found within its jurisdiction and will resolve whatever it deems fitting with regard to it.

17. The Commander-in-Chief, Governor-elect, of this State, will use every available means and will do everything in his power to facilitate the carrying out of all obligations contracted by him in the name of the Mexican Republic.

18. The Junta and Governor of the State, by common accord will proceed to the election of the necessary delegates to the general Mexican congress and to foreign countries.

City of San Fernando, April 17, 1813

20. TREATY ESTABLISHING THE BOUNDARY BETWEEN TEXAS AND THE UNITED STATES

February 22, 1819

From *U. S. Statutes at Large*, VIII, 252-273.

By the terms of the agreement in 1806 between the Spanish and United States military commanders on the Louisiana-Texas frontier, the disputed territory between the Arroyo Hondo and the Sabine River became a neutral ground pending diplomatic settlement. Diplomatic efforts to settle the controversy broke down in 1808, when Napoleon interfered with the Spanish government, and were not renewed until 1815. Meanwhile, the United States had annexed West Florida on the basis that it was a part of the Louisiana purchase and demanded that Spain restrain her Indians in East Florida from raiding in the United States. A voluminous amount of correspondence between the two countries followed, culminating in the Adams-de Onís or Florida Purchase Treaty of February 22, 1819. By the terms of the treaty the United States acquired the Floridas and in return relinquished her doubtful claim to Texas. The boundary as established in the treaty placed the Neutral Ground within the United States. Final ratifications of the treaty were completed on February 19, 1821.

TREATY OF AMITY, SETTLEMENT, AND LIMITS, Between the United States of America and his Catholic Majesty

. . . Article 2. His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated in the eastward of the Mississippi, known by the name of East and West

Florida. The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article. The said archives and documents shall be left in possession of the commissioner or officers of the United States, duly authorized to receive them.

Article 3. The boundary line between the two countries, west of the Mississippi, shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or *Red River*; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole