

Exhibit 41

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:

The Declaration of the People of Texas in General Convention Assembled, commonly known as "The Texas Declaration of Causes for taking up arms against Santa Anna", November 7, 1835, 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 10, 1998.

Attest: *Gene Gene Frank*

Gene Gene Frank
Witness to scan and above signature

Merle Ann West
Witness to above signatures

39. THE TEXAS DECLARATION OF CAUSES FOR TAKING UP ARMS AGAINST SANTA ANNA

November 7, 1835

From "Declaration of the People of Texas in General Convention Assembled," *Journals of the Consultation Held at San Felipe De Austin, October 16, 1835* (Published by Order of Congress; Houston, 1838), 21-22.

A "consultation" of the delegates representing the municipalities of Texas was assured when Stephen F. Austin upon his return from Mexico publicly declared for it and accepted the leadership of the Central Committee of Safety and Correspondence. Because of the outbreak of fighting on October 2, the delegates met at San Felipe on November 1 rather than at Washington on October 15 as originally instructed. A quorum was obtained on November 3, when fifty-five delegates representing twelve municipalities appeared. Branch T. Archer, who was elected president of the Consultation, foreshadowed the decision of the majority in his keynote address with the statement that Texas was "laying the corner stone of liberty in the great Mexican republic," and was not "battling alone for her rights and liberties."

John A. Wharton, who favored a declaration of independence, was named chairman of a committee of twelve — one from each municipality represented — to draft a declaration "setting forth to the world the causes that impelled us to take up arms, and the objects for which we fight." Opinion, however, was sharply divided, and until November 6 the delegates hotly debated the question of whether Texas was fighting for independence or for its rights under the Constitution of 1824 before voting 33 to 14 in favor of a "provisional government, upon the principles of the constitution of 1824," and then 33 to 15 against a declaration of independence. The next day the Consultation accepted Wharton's committee report reflecting the majority view. The declaration follows.

DECLARATION OF THE PEOPLE OF TEXAS IN GENERAL CONVENTION ASSEMBLED.

Whereas, General Antonio Lopez de Santa Anna and other Military Chieftains have, by force of arms, overthrown the Federal Institutions of Mexico, and dissolved the Social Compact which existed between Texas and the other Members of the Mexican Confederacy—Now, the good People of Texas, availing themselves of their natural rights,

SOLEMNLY DECLARE

1st. That they have taken up arms in defence of their rights and Liberties, which were threatened by the en-

croachments 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 Mexicans of the Mexican Confederacy as will take up arms against their 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 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.

[P. B. Dexter], *Secretary* B. T. Archer, *President*