

The Tornel Decree of April 14, 1836

Antonio López de Santa Anna had begun the campaign to subdue Texas under a decree issued by Mexico's Secretary of War and Marine, José María Tornel. The December 30, 1835, Tornel Decree set forth a "no quarter" policy:

(1) "Foreigners landing on the coast of the republic or invading its territory by land, armed with the intention of attacking our country, will be deemed pirates and dealt with as such, being citizens of no nation presently at war with the republic, and fighting under no recognized flag.

(2) All foreigners who will import either by sea or land, in the places occupied by the rebels, either arms or ammunition of any kind for the use of them, will be deemed pirates and punished as such."

Instead of suppressing the rebellion, the Tornel Decree brought commendation on the Mexican government once the news of post-battle executions became widely known. On April 14, 1836, another decree was issued under Tornel's name that revised the earlier proclamation regarding the fate of prisoners captured in battle.

Secretariat of War and Marine
Seccion Central Mesa 1a

The most excellent ad-interim President of the Republic of Mexico has seen fit to send me the following decree:

"The ad-interim President of the Republic of Mexico to its inhabitants, know ye; that the National Congress has decreed the following:

1st Those taken prisoners in the war of Texas to the date of publication of this decree who have incurred the sentence of capital punishment in accordance with the law, will be absolved from the same even though they have been captured with arms in hand.

2nd The same indulgence will be granted those who volunterrily [*sic*] place themselves at the disposition of the Government in accordance with the terms and manner stipulated by the same.

3rd Those to be exempt from this indulgence are: the principal motivators of the revolution, those who compose the so called General Council of Texas, those who acted as interloping Governor and Vice-Governor, those apprehended in command of any land or maritime armed force, and those who might have committed cold blooded murder.

Also exempt from this indulgence are those who did not place themselves at the disposition of the Government within the precise period to be designated by the same conformity with article two. Moreover, the indulgence will not be valid in cases of recurrence [*sic*] for those had gained it through this law.

4th The central punishment being annulled for those comprehended in articles one and two will be commuted [*sic*] to perpetual exile from the Republic for those who entered the nation outside the terms stipulated by article 11 of the law of April 6, 1830. The remainder of the apprehended may elect the same punishment or ten year confinement at an interior post to be designated by the Government to be no less than sixty leagues distant from the coast and frontier areas.

5th The legitimately introduced colonists comprehended by article two who elect confinement in the interior of the Republic by utilizing the choice granted them by the previous article, may have their time diminished for a span not to exceed four years in consideration of the major or minor role which they have played in the war and the importance of their participation.

Luis de Portugal, president -- Jose R. Malo, secretary -- Rafel Montalvo, secretary

I hereby order this decree to be printed, published, circulated, and be given its proper compliance. Government National Palace in Mexico, 14th of April, 1836 Jose Justo Carro -- A.D. Jose Maria Tornel

I forward it to you for your knowledge and consequential purpose with the understanding that for the proper compliance of the preceeding [*sic*] law, the Most Excellent ad-interim President has seen fit to order the observation of the following articles:

1st The time allotted for rebel colonists to present themselves is hereby designated as fifteen days, but the Most Excellent President and Commander-in-Chief of the Army may reduce or extend it as he sees fit in accordance with the circumstances.

2nd The period during which the pardoned are to be exiled from the Republic and the port from which they are to carry it out are to be left to the arbitration and prudence of the same Most Excellent Commander-in-Chief.

3rd The Government will consider the opinion of the Commander-in-Chief in determining the place or places to which those wishing to remain in the Republic are to be assigned.

4th The opinion of the Commander-in-Chief will be determined before reducing the period of confinement for those legally introduced colonists comprehended in article two of the preceeding [*sic*] law.

5th The Most Excellent President and Commander-in-Chief of the Army may delegate the powers granted him upon the division commanders as he sees fit.

6th His Excellency will order the pardoned to be issued a document attesting to the absolution granted them in accordance with the law. He will also order a personal description to be made of the exiled so they may be recognized if they return to the Republic.

7th If the exiled carry out a re-entree, the act will be considered an aggravating circumstance to their crime which will be judged in accordance with the law.

God and Liberty: 14th April, 1836

Tornel

SOURCE: John H. Jenkins, ed., *Papers of the Texas Revolution*. (10 vols.; Austin: Presidial Press, 1973), 5:475-477.